

Union Calendar No. 365

104TH CONGRESS  
2D SESSION

**H. R. 3237**

[Report No. 104-620, Parts I and II]

**A BILL**

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes.

JULY 23, 1996

Reported from the Committee on National Security with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. COMBEST introduced the following bill; which was referred to the Permanent Select Committee on Intelligence and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 13, 1996

Reported from the Permanent Select Committee on Intelligence with amendments; referred to the Committee on Government Reform and Oversight for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and the amendments recommended by the Committee on Intelligence as fall within the jurisdiction of that committee pursuant to clause 1(g), rule V

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 13, 1996

Referral to the Committee on National Security extended for a period ending not later than July 23, 1996

JULY 23, 1996

Committee on Government Reform and Oversight discharged

JULY 23, 1996

Reported from the Committee on National Security with an amendment, com-

mitted to the Committee of the Whole House on the State of the Union  
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[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on April 15, 1996]

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# A BILL

To provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Intelligence Community*  
5 *Act”.*

6 **SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.**

7 *(a) ORGANIZATION OF ACT.—This Act is organized as*  
8 *follows:*

## *TITLE I—INTELLIGENCE COMMUNITY GENERALLY*

*Subtitle A—Director of Central Intelligence*

*Subtitle B—Deputy Directors of Central Intelligence*

*Subtitle C—The Intelligence Community*

*Subtitle D—Annual Reports*

## *TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT*

*Subtitle A—Intelligence Community Functions*

*Subtitle B—National Foreign Intelligence Program*

*Subtitle C—Personnel*

*Subtitle D—Infrastructure Support Office*

*Subtitle E—Intelligence Community Administration*

*TITLE III—INTELLIGENCE COMMUNITY AGENCIES*

*Subtitle A—Central Intelligence Agency*

*Subtitle B—The National Intelligence Evaluation Council*

*Subtitle C—Future of Intelligence Collection*

*TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE  
INTELLIGENCE COMMUNITY*

*Subtitle A—Secretary of Defense*

*Subtitle B—Director of Military Intelligence*

*Subtitle C—Defense Intelligence Agency*

*Subtitle D—The Military Departments*

*Subtitle E—Planning and Budgeting*

*Subtitle F—Civilian Intelligence Personnel Policy*

*TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS  
AND COMMITTEES*

*TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND EFFEC-  
TIVE DATE*

- 1        *(b) TABLE OF CONTENTS.—The table of contents for*  
2 *this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Organization of Act; table of contents.*

*Sec. 3. Findings and purposes.*

*Sec. 4. Definitions.*

*TITLE I—INTELLIGENCE COMMUNITY GENERALLY*

*Subtitle A—Director of Central Intelligence*

*Sec. 101. Director of Central Intelligence.*

*Sec. 102. General intelligence responsibilities of the Director.*

*Sec. 103. Preparation of annual budget for National Foreign Intelligence Pro-  
gram.*

*Sec. 104. Foreign intelligence collection.*

*Sec. 105. Protection of sources and methods.*

*Sec. 106. Promotion and evaluation of the usefulness of intelligence to consumers.*

*Sec. 107. Elimination of waste and unnecessary duplication.*

*Sec. 108. Other functions.*

*Sec. 109. Prohibition on law enforcement powers and internal security functions.*

*Sec. 110. Access to intelligence.*

*Sec. 111. Coordination with foreign governments.*

*Subtitle B—Deputy Directors of Central Intelligence*

*Sec. 121. Deputy Directors of Central Intelligence.*

*Sec. 122. Deputy Director of Central Intelligence.*

*Sec. 123. Deputy Director of Central Intelligence for Community Management.*

*Sec. 124. Civilian and military status of Director of Central Intelligence and  
Deputies.*

*Subtitle C—The Intelligence Community*

- Sec. 131. Elements of the Intelligence Community.*
- Sec. 132. Intelligence Community Inspector General Forum.*

*Subtitle D—Annual Reports*

- Sec. 141. Annual report on Intelligence Community activities.*

**TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT**

*Subtitle A—Intelligence Community Functions*

- Sec. 201. Community Management Staff.*
- Sec. 202. Functions of the Community Management Staff.*

*Subtitle B—National Foreign Intelligence Program*

- Sec. 221. Budgets.*
- Sec. 222. Comptroller functions of Community Management Staff.*
- Sec. 223. Limitations on transfers and reprogramming.*
- Sec. 224. Transfer of funds or personnel within the National Foreign Intelligence Program.*
- Sec. 225. Limitation on reprogramming.*

*Subtitle C—Personnel*

- Sec. 231. Use of personnel.*
- Sec. 232. Authority to terminate employment of certain employees.*
- Sec. 233. Intelligence Community Reserve.*

*Subtitle D—Infrastructure Support Office*

- Sec. 241. Establishment of Infrastructure Support Office.*
- Sec. 242. Responsibilities of Director of the Infrastructure Support Office.*

*Subtitle E—Intelligence Community Administration*

- Sec. 251. Secrecy agreements used in intelligence activities.*
- Sec. 252. Coordination of counterintelligence matters with the Federal Bureau of Investigation.*
- Sec. 253. Intelligence Community contracting.*

**TITLE III—INTELLIGENCE COMMUNITY AGENCIES**

*Subtitle A—Central Intelligence Agency*

- Sec. 301. Central Intelligence Agency.*
- Sec. 302. Duties of Director of Central Intelligence with regard to the Central Intelligence Agency.*
- Sec. 303. Functions of the Central Intelligence Agency.*
- Sec. 304. Agreement to transfer DOD clandestine humint to CIA.*

*Subtitle B—The National Intelligence Evaluation Council*

- Sec. 321. National Intelligence Evaluation Council.*
- Sec. 322. Functions of the National Intelligence Evaluation Council.*
- Sec. 323. Staffing of the National Intelligence Evaluation Council.*

*Subtitle C—Future of Intelligence Collection*

*Sec. 331. Panel on the future of intelligence collection.*

**TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY**

*Subtitle A—Secretary of Defense*

- Sec. 401. Overall Secretary of Defense functions.*
- Sec. 402. Requirement that budgets for intelligence components be adequate.*
- Sec. 403. Implementation of Director of Central Intelligence policies and resource decisions.*
- Sec. 404. Relationship of NFIP activities to tactical intelligence activities.*
- Sec. 405. Responsiveness to operational military forces.*
- Sec. 406. Elimination of waste and unnecessary duplication.*
- Sec. 407. Joint and corporate conduct of Defense intelligence activities.*
- Sec. 408. Signals intelligence activities.*
- Sec. 409. Imagery collection, processing, and exploitation.*
- Sec. 410. Overhead reconnaissance systems.*
- Sec. 411. Use of elements of Department of Defense.*
- Sec. 412. Consultations regarding appointment of certain intelligence officials.*

*Subtitle B—Director of Military Intelligence*

- Sec. 421. Director of Military Intelligence.*
- Sec. 422. Functions of the Director of Military Intelligence.*
- Sec. 423. Role of Director of Military Intelligence in the Intelligence Community.*
- Sec. 424. Planning and budget functions.*
- Sec. 425. Staff.*

*Subtitle C—Defense Intelligence Agency*

- Sec. 441. Defense Intelligence Agency generally.*
- Sec. 442. Functions of the Defense Intelligence Agency.*

*Subtitle D—The Military Departments*

- Sec. 451. Intelligence capabilities of the military departments.*

*Subtitle E—Planning and Budgeting*

- Sec. 461. Joint Military Intelligence Program.*
- Sec. 462. Tactical Intelligence and Related Activities (TIARA).*
- Sec. 463. Notice to Congress of changes in JMIP and TIARA.*

*Subtitle F—Civilian Intelligence Personnel Policy*

- Sec. 481. Standardization of personnel policies for intelligence components of Department of Defense*
- Sec. 482. Temporary program for civilian workforce reduction in the National Security Agency.*

**TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES**

- Sec. 501. Recodification of laws relating to National Security Council and related boards and committees in Executive Office of the President.*
- Sec. 502. Committee on Foreign Intelligence.*

*Sec. 503. Transnational threats.*

*Sec. 504. Prohibition of direct participation by National Security Council staff in execution of intelligence operations.*

**TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND  
EFFECTIVE DATE**

*Sec. 601. Restatement of National Security Agency Act of 1959.*

*Sec. 602. Amendments to title 5, United States Code.*

*Sec. 603. Repeal of provisions recodified in new Act.*

*Sec. 604. National Security Act of 1947.*

*Sec. 605. Abolition of National Intelligence Council.*

*Sec. 606. Effective date.*

**1 SEC. 3. FINDINGS AND PURPOSES.**

2 (a) *FINDINGS.*—*The Congress makes the following*  
3 *findings:*

4 (1) *The United States must maintain a strong,*  
5 *capable, and increasingly flexible intelligence capabil-*  
6 *ity to collect and analyze information concerning*  
7 *world events that may threaten its security so as to*  
8 *be in a position to anticipate and respond to such*  
9 *events in an effective and timely manner.*

10 (2) *The existing framework for the conduct of*  
11 *United States intelligence activities, established by the*  
12 *National Security Act of 1947, has evolved largely*  
13 *without changes to the original statutory framework,*  
14 *but rather as a matter of Executive order and direc-*  
15 *tive.*

16 (3) *Although the Director of Central Intelligence*  
17 *has had an overall, coordinating role for United*  
18 *States intelligence activities, under existing law and*  
19 *by Executive order the Director has, in fact, lacked*

1        *sufficient authorities to exercise this responsibility ef-*  
2        *fectively, leaving control largely decentralized within*  
3        *elements of the Intelligence Community.*

4        *(b) PURPOSES.—The purposes of this Act are—*

5                *(1) to provide a corporate framework for the im-*  
6                *proved management of United States intelligence ac-*  
7                *tivities at all levels and within all intelligence dis-*  
8                *ciplines;*

9                *(2) to provide an institutional structure that*  
10              *will continue to ensure that the Intelligence Commu-*  
11              *nity serves the needs of the Government as a whole in*  
12              *an effective, timely, and corporate manner;*

13              *(3) to clarify by law the responsibilities of Unit-*  
14              *ed States intelligence agencies; and*

15              *(4) to improve the congressional oversight of in-*  
16              *telligence activities.*

17    **SEC. 4. DEFINITIONS.**

18        *For the purposes of this Act:*

19              *(1) INTELLIGENCE.—The term “intelligence” in-*  
20              *cludes foreign intelligence and counterintelligence.*

21              *(2) FOREIGN INTELLIGENCE.—The term “foreign*  
22              *intelligence” means information relating to the capa-*  
23              *bilities, intentions, or activities of foreign govern-*  
24              *ments or elements thereof, foreign organizations, for-*  
25              *foreign transnational entities, or foreign persons.*



1           (3) *COUNTERINTELLIGENCE.*—*The term “counter-*  
2           *terintelligence” means information gathered and ac-*  
3           *tivities conducted to protect against espionage, other*  
4           *intelligence activities, sabotage, or assassinations con-*  
5           *ducted by or on behalf of foreign governments or ele-*  
6           *ments thereof, foreign organizations, foreign*  
7           *transnational entities, or foreign persons, or inter-*  
8           *national terrorist activities.*

9           (4) *NATIONAL INTELLIGENCE AND INTELLIGENCE*  
10          *RELATED TO NATIONAL SECURITY.*—*The terms “na-*  
11          *tional intelligence” and “intelligence related to the*  
12          *national security”—*

13                (A) *each refer to intelligence that pertains*  
14                *to the interests of the Government generally,*  
15                *rather than to the interests of a single depart-*  
16                *ment or agency of Government, or to a compo-*  
17                *nent of such department or agency;*

18                (B) *do not refer to intelligence necessary to*  
19                *plan or conduct tactical military operations by*  
20                *United States Armed Forces; and*

21                (C) *do not refer to counterintelligence or*  
22                *law enforcement activities conducted by the Fed-*  
23                *eral Bureau of Investigation except to the extent*  
24                *provided for in procedures agreed to by the Di-*  
25                *rector of Central Intelligence and the Attorney*

1           *General, or otherwise as expressly provided for*  
2           *in this Act.*

3           (5) *NATIONAL FOREIGN INTELLIGENCE PRO-*  
4           *GRAM.—The term “National Foreign Intelligence Pro-*  
5           *gram” refers to all programs, projects, and activities*  
6           *of the Intelligence Community that are intended to*  
7           *produce national intelligence, as well as any other*  
8           *programs of the Intelligence Community designated*  
9           *jointly by the Director of Central Intelligence and the*  
10          *head of a United States department or agency or by*  
11          *the President. Such term does not include programs,*  
12          *projects, or activities of the military departments to*  
13          *acquire intelligence solely for the planning and con-*  
14          *duct of tactical military operations by United States*  
15          *Armed Forces.*

16          (6) *CONGRESSIONAL INTELLIGENCE COMMIT-*  
17          *TEES.—The term “congressional intelligence commit-*  
18          *tees” means—*

19                  *(A) the Select Committee on Intelligence of*  
20                  *the Senate; and*

21                  *(B) the Permanent Select Committee on In-*  
22                  *telligence of the House of Representatives.*

1           **TITLE I—INTELLIGENCE**  
2           **COMMUNITY GENERALLY**  
3           **Subtitle A—Director of Central**  
4           **Intelligence**

5   **SEC. 101. DIRECTOR OF CENTRAL INTELLIGENCE.**

6           (a) *DIRECTOR OF CENTRAL INTELLIGENCE.*—*There is*  
7   *a Director of Central Intelligence. The Director of Central*  
8   *Intelligence is—*

9                   (1) *the principal adviser to the President and*  
10   *the National Security Council for intelligence matters*  
11   *related to the national security; and*

12                   (2) *the head of the Intelligence Community.*

13           (b) *APPOINTMENT.*—*The Director of Central Intel-*  
14   *ligence is appointed by the President, by and with the ad-*  
15   *vice and consent of the Senate.*

16   **SEC. 102. GENERAL INTELLIGENCE RESPONSIBILITIES OF**  
17           **THE DIRECTOR.**

18           (a) *PROVISION OF INTELLIGENCE TO THE PRESI-*  
19   *DENT.*—*Under the direction of the National Security Coun-*  
20   *cil, the Director of Central Intelligence shall be responsible*  
21   *for providing intelligence to the President.*

22           (b) *PROVISION OF INTELLIGENCE TO OTHERS.*—*Under*  
23   *the direction of the National Security Council, the Director*  
24   *of Central Intelligence shall be responsible for providing in-*  
25   *telligence—*

1           (1) to the heads of departments and agencies of  
2       the executive branch;

3           (2) to the Chairman of the Joint Chiefs of Staff,  
4       to the commanders of the unified combatant com-  
5       mands, and to other senior military commanders;  
6       and

7           (3) to the Senate and House of Representatives  
8       and the appropriate committees thereof.

9       (c) *INTELLIGENCE TO BE OBJECTIVE AND TIMELY.*—  
10   Intelligence provided by the Director pursuant to this sec-  
11   tion should be timely and objective and shall be provided  
12   independent of political considerations or bias and based  
13   upon all sources available to the Intelligence Community.

14   **SEC. 103. PREPARATION OF ANNUAL BUDGET FOR NA-**  
15                           **TIONAL FOREIGN INTELLIGENCE PROGRAM.**

16       The Director of Central Intelligence shall develop (in  
17   accordance with subtitle B of title II) and present to the  
18   President an annual budget for the National Foreign Intel-  
19   ligence Program of the United States.

20   **SEC. 104. FOREIGN INTELLIGENCE COLLECTION.**

21       The Director of Central Intelligence shall establish the  
22   requirements and priorities to govern the collection of na-  
23   tional intelligence by elements of the Intelligence Commu-  
24   nity and shall manage the collection capabilities of the In-

1 *telligence Community to ensure that national requirements*  
2 *are met.*

3 **SEC. 105. PROTECTION OF SOURCES AND METHODS.**

4 *The Director of Central Intelligence shall protect intel-*  
5 *ligence sources and methods from unauthorized disclosure.*

6 **SEC. 106. PROMOTION AND EVALUATION OF THE USEFUL-**  
7 **NESS OF INTELLIGENCE TO CONSUMERS.**

8 *The Director of Central Intelligence shall promote and*  
9 *evaluate the quality and usefulness of national intelligence*  
10 *to consumers within the Government.*

11 **SEC. 107. ELIMINATION OF WASTE AND UNNECESSARY DU-**  
12 **PLICATION.**

13 *The Director of Central Intelligence, in cooperation*  
14 *with the heads of the elements of the Intelligence Commu-*  
15 *nity shall eliminate waste and unnecessary duplication*  
16 *within the Intelligence Community.*

17 **SEC. 108. OTHER FUNCTIONS.**

18 *The Director of Central Intelligence shall perform such*  
19 *other functions as the President or the National Security*  
20 *Council may direct.*

21 **SEC. 109. PROHIBITION ON LAW ENFORCEMENT POWERS**  
22 **AND INTERNAL SECURITY FUNCTIONS.**

23 *The Director of Central Intelligence shall have no po-*  
24 *lice, subpoena, or law enforcement powers or internal secu-*  
25 *rity functions.*

1 **SEC. 110. ACCESS TO INTELLIGENCE.**

2 *To the extent recommended by the National Security*  
 3 *Council and approved by the President, the Director of*  
 4 *Central Intelligence shall have access to all intelligence re-*  
 5 *lated to the national security which is collected by any de-*  
 6 *partment, agency, or other entity of the United States.*

7 **SEC. 111. COORDINATION WITH FOREIGN GOVERNMENTS.**

8 *Under the direction of the National Security Council*  
 9 *and in a manner consistent with section 207 of the Foreign*  
 10 *Service Act of 1980 (22 U.S.C. 3927), the Director shall*  
 11 *coordinate the relationships between elements of the Intel-*  
 12 *ligence Community and the intelligence or security services*  
 13 *of foreign governments on all matters involving intelligence*  
 14 *related to the national security or involving intelligence ac-*  
 15 *quired through clandestine means.*

16 ***Subtitle B—Deputy Directors of***  
 17 ***Central Intelligence***

18 **SEC. 121. DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.**

19 (a) *POSITIONS.—There is a Deputy Director of*  
 20 *Central Intelligence, and there is a Deputy Director of*  
 21 *Central Intelligence for Community Management.*

22 (b) *APPOINTMENT.—Each Deputy Director shall be*  
 23 *appointed by the President, by and with the advice and*  
 24 *consent of the Senate.*

25 (c) *QUALIFICATIONS.—Each Deputy Director shall*  
 26 *have extensive national security experience.*

1 **SEC. 122. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.**

2       (a) *IN GENERAL.*—*The Deputy Director of Central In-*  
3 *telligence shall act for, and exercise the powers of, the Direc-*  
4 *tor of Central Intelligence during the Director's absence or*  
5 *disability or during a vacancy in office of the Director of*  
6 *Central Intelligence.*

7       (b) *PRECEDENCE.*—*The Deputy Director of Central*  
8 *Intelligence takes precedence immediately after the Director*  
9 *of Central Intelligence.*

10 **SEC. 123. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**  
11 **FOR COMMUNITY MANAGEMENT.**

12       *Subject to the direction of the Director of Central Intel-*  
13 *ligence, the Deputy Director of Central Intelligence for*  
14 *Community Management shall be responsible for the follow-*  
15 *ing:*

16               (1) *Directing the operations of the Community*  
17 *Management Staff.*

18               (2) *Directing the operations of the Infrastructure*  
19 *Support Office.*

20               (3) *Performing community-wide management*  
21 *functions, including the management of personnel, re-*  
22 *sources, and requirements.*

23               (4) *Managing community-wide research and de-*  
24 *velopment.*

1 **SEC. 124. CIVILIAN AND MILITARY STATUS OF DIRECTOR OF**  
2 **CENTRAL INTELLIGENCE AND DEPUTIES.**

3 (a) *LIMITATION ON ACTIVE DUTY STATUS.*—Not more  
4 than one individual serving in the following positions may  
5 be on active duty in the Armed Forces while serving in that  
6 position:

7 (1) *The Director of Central Intelligence.*

8 (2) *The two Deputy Directors of Central Intel-*  
9 *ligence.*

10 (b) *APPOINTMENT AND RANK.*—An individual serving  
11 in a position specified in paragraph (1) or (2) of subsection  
12 (a) who is on active duty in the Armed Forces shall be ap-  
13 pointed from among the officers of the Armed Forces on the  
14 active-duty list. The Director of Central Intelligence may  
15 hold the grade of general or admiral while so serving and  
16 a Deputy Director of Central Intelligence may hold the rank  
17 of lieutenant general or vice admiral while so serving.

18 (c) *ROLE AS OFFICER OF ARMED FORCES.*—A com-  
19 missioned officer of the Armed Forces, while serving in a  
20 position specified in paragraph (1) or (2) of subsection  
21 (a)—

22 (1) *shall not be subject to supervision or control*  
23 *by the Secretary of Defense or by any officer or em-*  
24 *ployee of the Department of Defense;*

25 (2) *shall not exercise, by reason of the officer's*  
26 *status as a commissioned officer, any supervision or*



1       *control with respect to any of the military or civilian*  
2       *personnel of the Department of Defense except as au-*  
3       *thorized by this title; and*

4               *(3) shall not be counted against the numbers and*  
5       *percentages of commissioned officers of the rank and*  
6       *grade of such officer authorized for the military de-*  
7       *partment of that officer.*

8       *(d) MILITARY BENEFITS.—Except as provided in*  
9       *paragraph (1) or (2) of subsection (c), the appointment of*  
10       *an officer of the Armed Forces to a position specified in*  
11       *paragraph (1) or (2) of subsection (a) shall not affect the*  
12       *status, position, rank, or grade of such officer in the Armed*  
13       *Forces, or any emolument, perquisite, right, privilege, or*  
14       *benefit incident to or arising out of any such status, posi-*  
15       *tion, rank, or grade.*

16       *(e) PAY.—An officer of the Armed Forces appointed*  
17       *to a position specified in paragraph (1) or (2) of subsection*  
18       *(a), while serving in such position, shall continue to receive*  
19       *military pay and allowances payable to a commissioned*  
20       *officer of that officer's grade and length of service for which*  
21       *the appropriate military department shall be reimbursed*  
22       *from funds available to the Director of Central Intelligence.*  
23       *In addition to any pay or allowance payable under this*  
24       *subsection, such officer shall also receive, out of funds avail-*  
25       *able to the Director of Central Intelligence, annual com-*

1 *ensation in an amount by which the annual rate of com-*  
 2 *ensation payable for such position exceeds the total of that*  
 3 *officer's annual rate of military pay and allowances.*

4           ***Subtitle C—The Intelligence***  
 5                           ***Community***

6 ***SEC. 131. ELEMENTS OF THE INTELLIGENCE COMMUNITY.***

7           *The Intelligence Community of the United States Gov-*  
 8 *ernment consists of the following:*

9                   (1) *The Office of the Director of Central Intel-*  
 10 *ligence, which shall include the Offices of the Deputy*  
 11 *Directors of Central Intelligence and such other offices*  
 12 *as the Director may designate.*

13                   (2) *The Community Management Staff.*

14                   (3) *The National Intelligence Evaluation Coun-*  
 15 *cil.*

16                   (4) *The Central Intelligence Agency.*

17                   (5) *The Defense Intelligence Agency.*

18                   (6) *The National Security Agency.*

19                   (7) *The National Reconnaissance Office.*

20                   (8) *The Central Imagery Office.*

21                   (9) *The Infrastructure Support Office.*

22                   (10) *The intelligence elements of the Army, the*  
 23 *Navy, the Air Force, the Marine Corps, and the Coast*  
 24 *Guard.*

1           (11) *The intelligence elements of the Federal Bu-*  
 2           *reau of Investigation, the Department of the Treas-*  
 3           *ury, the Department of Energy, and the Drug En-*  
 4           *forcement Administration.*

5           (12) *The Bureau of Intelligence and Research of*  
 6           *the Department of State.*

7           (13) *Such other offices and entities as are estab-*  
 8           *lished by law under the authority of the Director of*  
 9           *Central Intelligence or as may be provided by law or*  
 10          *by the President to be a component of the Intelligence*  
 11          *Community.*

12 **SEC. 132. INTELLIGENCE COMMUNITY INSPECTOR GEN-**  
 13                                   **ERAL FORUM.**

14          (a) *ESTABLISHMENT.*—*There is hereby established an*  
 15          *Intelligence Community Inspector General Forum (herein-*  
 16          *after in this section referred to as the “Forum”).*

17          (b) *MISSION.*—*The Forum shall provide a mechanism*  
 18          *for sharing information among those Inspectors General*  
 19          *whose duties and responsibilities include audit, inspection,*  
 20          *or investigation relating to programs and operations of ele-*  
 21          *ments within the Intelligence Community to ensure ade-*  
 22          *quate Inspector General oversight with respect to those pro-*  
 23          *grams and operations and to coordinate efforts with a view*  
 24          *toward preventing duplication.*

25          (c) *MEMBERSHIP.*—

1           (1) *The Forum shall consist of the following*  
2       *members:*

3                   (A) *The Inspector General of the Depart-*  
4       *ment of Defense.*

5                   (B) *The Inspector General of the Central*  
6       *Intelligence Agency.*

7                   (C) *The Inspector General of the Depart-*  
8       *ment of State.*

9                   (D) *The Inspector General of the Depart-*  
10      *ment of the Treasury.*

11                  (E) *The Inspector General of the Depart-*  
12      *ment of Justice.*

13                  (F) *The Inspector General of the Depart-*  
14      *ment of Energy.*

15                  (G) *The Inspector General of any other ele-*  
16      *ment within the Intelligence Community, regard-*  
17      *less of whether the position of such Inspector*  
18      *General is created by statute.*

19                  (H) *Such other Federal officials as the co-*  
20      *chairs of the Forum may invite to attend meet-*  
21      *ings whenever matters of interest to them are*  
22      *scheduled to be discussed.*

23           (2) *The Forum shall be co-chaired by the Inspec-*  
24      *tor General of the Department of Defense and the In-*  
25      *spector General of the Central Intelligence Agency.*

1           (3) *The co-chairs may establish such subcommit-*  
2           *tees or working groups as they consider appropriate*  
3           *to support the work of the Forum.*

4           (4) *There shall be an Executive Secretary for the*  
5           *Forum to be appointed from the Office of the Inspec-*  
6           *tor General of the Department of Defense.*

7           (d) *MEETINGS.—The Forum shall meet at least quar-*  
8           *terly, and more often as the co-chairs consider necessary.*  
9           *The Director of Central Intelligence, the Secretaries of De-*  
10          *fense, State, the Treasury, and Energy, and the Attorney*  
11          *General of the United States shall be given as much advance*  
12          *notice as practicable before each meeting of the Forum.*

13          (e) *FUNCTIONS.—*

14               (1) *The Forum shall ensure adequate Inspector*  
15               *General oversight over programs and operations of*  
16               *elements within the Intelligence Community under the*  
17               *jurisdiction of two or more statutory Inspectors Gen-*  
18               *eral. In this regard, the Director of Central Intel-*  
19               *ligence, the Secretaries of Defense, State, the Treas-*  
20               *ury, and Energy, and the Attorney General may each*  
21               *submit to the Forum or to their respective statutory*  
22               *Inspector General requests for an Inspector General*  
23               *audit, inspection, or investigation with respect to any*  
24               *program or operation of an element within the Intel-*

1        *ligence Community under the jurisdiction of two or*  
2        *more statutory Inspectors General.*

3            *(2) The Forum shall serve as a focal point for*  
4        *discussions of mutual interest to the Inspectors Gen-*  
5        *eral concerning oversight of elements within the Intel-*  
6        *ligence Community, including—*

7            *(A) policies and procedures for conducting*  
8        *audits, inspections, or investigations into pro-*  
9        *grams and operations of elements within the In-*  
10       *telligence Community under the jurisdiction of*  
11       *two or more statutory Inspectors General; and*

12           *(B) qualifications and training for audi-*  
13       *tors, inspectors, and investigators who will be as-*  
14       *signed to conduct audits, inspections, or inves-*  
15       *tigations into programs and operations of ele-*  
16       *ments within the Intelligence Community under*  
17       *the jurisdiction of two or more statutory Inspec-*  
18       *tors General.*

19           *(3) The Forum shall keep the Director of Central*  
20       *Intelligence, the Secretary of the appropriate Depart-*  
21       *ment, and the head of the appropriate element within*  
22       *the Intelligence Community informed of issues identi-*  
23       *fied in audits, inspections or investigations of pro-*  
24       *grams, or operations of elements within the Intel-*

1        *ligence Community under the jurisdiction of two or*  
2        *more statutory Inspectors General.*

3            (4) *This section shall not preclude and is not in-*  
4        *tended to preclude an Inspector General from inde-*  
5        *pendently initiating any audit, inspection, or inves-*  
6        *tigation of programs or operations within their re-*  
7        *spective establishment as they consider appropriate in*  
8        *accordance with the Inspector General Act of 1978, or*  
9        *section 17 of the Central Intelligence Agency Act of*  
10       *1949, as appropriate.*

11       (f) *RESPONSIBILITIES.—Members of the Forum*  
12       *shall—*

13            (1) *designate a point of contact within their re-*  
14        *spective organizations to receive and provide informa-*  
15        *tion regarding Forum activities; and*

16            (2) *provide staff and other resources for the au-*  
17        *dits, inspections and investigations of programs, or*  
18        *operations that involve two or more elements within*  
19        *the Intelligence Community.*

20       (g) *REPORT ON INSPECTOR GENERAL FOR THE INTEL-*  
21       *LIGENCE COMMUNITY.—Not later than April 15, 1997, the*  
22       *Forum shall submit to the congressional intelligence com-*  
23       *mittees a report on the feasibility of, and costs and benefits*  
24       *associated with, creating an Inspector General for the Intel-*  
25       *ligence Community.*

1           ***Subtitle D—Annual Reports***

2   ***SEC. 141. ANNUAL REPORT ON INTELLIGENCE COMMUNITY***

3                   ***ACTIVITIES.***

4           (a) *IN GENERAL.*—*The Director of Central Intelligence*  
5 *shall submit to Congress an annual report on the activities*  
6 *of the Intelligence Community. The annual report shall be*  
7 *unclassified.*

8           (b) *MATTERS TO BE COVERED IN ANNUAL REPORT.*—  
9 *Each report under this section shall describe—*

10                   (1) *the activities of the Intelligence Community*  
11 *during the preceding fiscal year, including significant*  
12 *successes and failures that can be described in an un-*  
13 *classified manner; and*

14                   (2) *the areas of the world and the issues that the*  
15 *Director expects will require increased or unusual at-*  
16 *tention from the Intelligence Community during the*  
17 *next fiscal year.*

18           (c) *TIME FOR SUBMISSION.*—*The report under this sec-*  
19 *tion for any year shall be submitted at the same time that*  
20 *the President submits the budget for the next fiscal year*  
21 *pursuant to section 1105 of title 31, United States Code.*



1           **TITLE II—INTELLIGENCE**  
2           **COMMUNITY MANAGEMENT**  
3       ***Subtitle A—Intelligence Community***  
4           ***Functions***

5       **SEC. 201. COMMUNITY MANAGEMENT STAFF.**

6           *There is a Community Management Staff.*

7       **SEC. 202. FUNCTIONS OF THE COMMUNITY MANAGEMENT**  
8           **STAFF.**

9           *(a) IN GENERAL.—The Deputy Director of Central In-*  
10       *telligence for Community Management, acting through the*  
11       *Community Management Staff, shall provide corporate*  
12       *management of the following Intelligence Community-wide*  
13       *functions:*

14               *(1) Requirements and collection management.*

15               *(2) Planning, programming, budgeting, and ac-*  
16       *counting for the National Foreign Intelligence Pro-*  
17       *gram.*

18               *(3) Research and development activities.*

19           *(b) COORDINATION WITH THE DMI STAFF.—The Dep-*  
20       *uty Director of Central Intelligence for Community Man-*  
21       *agement shall coordinate the functions referred to in para-*  
22       *graphs (1) through (3) of subsection (a) with the Director*  
23       *of Military Intelligence.*

1           ***Subtitle B—National Foreign***  
2                   ***Intelligence Program***

3   ***SEC. 221. BUDGETS.***

4           (a) *PREPARATION.*—*The Deputy Director of Central*  
5 *Intelligence for Community Management, in consultation*  
6 *with the elements of the Intelligence Community, shall pre-*  
7 *pare the annual budgets of the National Foreign Intel-*  
8 *ligence Program.*

9           (b) *APPROVAL OF BUDGETS.*—*The Director of Central*  
10 *Intelligence shall approve the budgets prepared under sub-*  
11 *section (a) before their incorporation in the National For-*  
12 *eign Intelligence Program.*

13          (c) *ACCOUNTING.*—*The Director of Central Intel-*  
14 *ligence, acting through the Deputy Director of Central In-*  
15 *telligence for Community Management, shall budget and ac-*  
16 *count for financial resources on a community-wide basis*  
17 *by the functional categories of collection, processing, exploi-*  
18 *tation, analysis, dissemination, and infrastructure.*

19          (d) *IDENTIFICATION OF CONSTITUENT COMPONENTS*  
20 *OF BASE INTELLIGENCE BUDGET.*—*The Director of Central*  
21 *Intelligence shall include in the congressional budget jus-*  
22 *tification materials provided to the congressional intel-*  
23 *ligence committees in connection with the annual submis-*  
24 *sion of the National Foreign Intelligence Program for a fis-*  
25 *cal year the same level of budgetary detail for that part*

1 *of the National Foreign Intelligence Program budget identi-*  
 2 *fied as the Base Budget that is provided for that part of*  
 3 *such budget identified as Ongoing Initiatives and New Ini-*  
 4 *tiatives.*

5 **SEC. 222. COMPTROLLER FUNCTIONS OF COMMUNITY MAN-**  
 6 **AGEMENT STAFF.**

7 (a) *EXECUTION REVIEW.*—*The Community Manage-*  
 8 *ment Staff shall perform budget execution review of ele-*  
 9 *ments of the Intelligence Community and shall have the au-*  
 10 *thority to recommend to the comptroller of the Department*  
 11 *of Defense that authorized and appropriated intelligence*  
 12 *funds be withheld in those instances in which elements of*  
 13 *the Intelligence Community within the Department of De-*  
 14 *fense are not complying with guidance from the Director*  
 15 *of Central Intelligence or applicable law.*

16 (b) *ACCOUNTING SYSTEM.*—*The Deputy Director of*  
 17 *Central Intelligence for Community Management shall es-*  
 18 *tablish and maintain an Intelligence Community-wide*  
 19 *automated system for programming, budgeting, accounting,*  
 20 *and execution review of the National Foreign Intelligence*  
 21 *Program.*

22 **SEC. 223. LIMITATIONS ON TRANSFERS AND REPROGRAM-**  
 23 **MING.**

24 (a) *LIMITATION ON NEW USE OF FUNDS AVAILABLE*  
 25 *FOR INTELLIGENCE ACTIVITIES.*—*Funds may not be made*

1 *available through transfer, reprogramming, or other means*  
2 *between the Central Intelligence Agency and the Depart-*  
3 *ment of Defense for any intelligence or special activity dif-*  
4 *ferent from that previously justified to the Congress unless*  
5 *the Director of Central Intelligence or the Secretary of De-*  
6 *fense notifies in advance the Permanent Select Committee*  
7 *on Intelligence of the House of Representatives, the Select*  
8 *Committee on Intelligence of the Senate, and the Commit-*  
9 *tees on Appropriations of the Senate and House of Rep-*  
10 *resentatives of the intent to make such funds available for*  
11 *such activity.*

12 (b) *LIMITATION ON AMOUNTS TRANSFERRED.—The*  
13 *amount that may be transferred from any account of an*  
14 *element of the Intelligence Community for any fiscal year*  
15 *may not exceed five percent of the aggregate portion of the*  
16 *National Foreign Intelligence Program budget of that ele-*  
17 *ment for that fiscal year.*

18 (c) *LIMITATION ON TRANSFER OF FUNDS AVAILABLE*  
19 *FOR DRUG INTERDICTION OR COUNTER-DRUG PUR-*  
20 *POSES.—None of the funds available to the Central Intel-*  
21 *ligence Agency for any fiscal year for drug interdiction and*  
22 *counter-drug activities may be transferred to any other de-*  
23 *partment or agency of the United States except as specifi-*  
24 *cally provided in an appropriations law.*

1 **SEC. 224. TRANSFER OF FUNDS OR PERSONNEL WITHIN**  
2 **THE NATIONAL FOREIGN INTELLIGENCE PRO-**  
3 **GRAM.**

4 (a) *GENERAL AUTHORITY.*—*In addition to any other*  
5 *authorities available under law for such purposes, the Di-*  
6 *rector of Central Intelligence, with the approval of the Di-*  
7 *rector of the Office of Management and Budget, may trans-*  
8 *fer funds appropriated for a program within the National*  
9 *Foreign Intelligence Program to another such program and,*  
10 *in accordance with procedures to be developed by the Direc-*  
11 *tor and the heads of affected departments and agencies, may*  
12 *transfer personnel authorized for an element of the Intel-*  
13 *ligence Community to another such element for periods up*  
14 *to a year.*

15 (b) *CONDITIONS.*—*A transfer of funds or personnel*  
16 *may be made under this section only if—*

17 (1) *the funds or personnel are being transferred*  
18 *to an activity that is a higher priority intelligence*  
19 *activity;*

20 (2) *the need for funds or personnel for such ac-*  
21 *tivity is based on unforeseen requirements;*

22 (3) *the transfer does not involve a transfer of*  
23 *funds to the Reserve for Contingencies of the Director*  
24 *of Central Intelligence; and*

1           (4) *the transfer does not involve a transfer of*  
2           *funds or personnel from the Federal Bureau of Inves-*  
3           *tigation.*

4           (c) *AVAILABILITY OF TRANSFERRED FUNDS.—Funds*  
5           *transferred under this subsection shall remain available for*  
6           *the same period as the appropriations account to which*  
7           *such funds are transferred.*

8           (d) *NOTIFICATION OF CONGRESS.—Any transfer of*  
9           *funds under this section shall be carried out in accordance*  
10          *with existing procedures applicable to reprogramming noti-*  
11          *fications for the appropriate congressional committees. Any*  
12          *proposed transfer for which notice is given to the appro-*  
13          *priate congressional committees shall be accompanied by a*  
14          *report explaining the nature of the proposed transfer and*  
15          *how it satisfies the requirements of this subsection. In addi-*  
16          *tion, the congressional intelligence committees shall be*  
17          *promptly notified of any transfer of funds made pursuant*  
18          *to this subsection in any case in which the transfer would*  
19          *not have otherwise required reprogramming notification*  
20          *under procedures in effect as of October 24, 1992.*

21          (e) *REPORT ON PERSONNEL TRANSFERS.—The Direc-*  
22          *tor shall promptly submit to the congressional intelligence*  
23          *committees and, in the case of the transfer of personnel to*  
24          *or from the Department of Defense, the Committee on*  
25          *Armed Services of the Senate and the Committee on Na-*

1 *tional Security of the House of Representatives, a report*  
 2 *on any transfer of personnel made pursuant to this section.*  
 3 *The Director shall include in any such report an expla-*  
 4 *nation of the nature of the transfer and how it satisfies the*  
 5 *requirements of this subsection.*

6 **SEC. 225. LIMITATION ON REPROGRAMMING.**

7 *No funds made available under the National Foreign*  
 8 *Intelligence Program may be reprogrammed by any element*  
 9 *of the Intelligence Community without the prior approval*  
 10 *of the Director of Central Intelligence except in accordance*  
 11 *with procedures issued by the Director.*

12 ***Subtitle C—Personnel***

13 **SEC. 231. USE OF PERSONNEL.**

14 *The Director of Central Intelligence shall, in coordina-*  
 15 *tion with the heads of departments and agencies with ele-*  
 16 *ments in the Intelligence Community, institute policies and*  
 17 *programs within the Intelligence Community—*

18 *(1) to provide for the rotation of personnel be-*  
 19 *tween the elements of the Intelligence Community,*  
 20 *where appropriate, and to make such rotated service*  
 21 *a factor to be considered for promotion to senior posi-*  
 22 *tions;*

23 *(2) to consolidate, wherever possible, personnel,*  
 24 *administrative, and security programs to reduce the*

1        *overall costs of these activities within the Intelligence*  
 2        *Community;*

3            *(3) to ensure the maintenance of effective per-*  
 4        *formance evaluation systems with common standards*  
 5        *throughout the national Intelligence Community; and*

6            *(4) to develop a community-wide career develop-*  
 7        *ment program that emphasizes corporate management*  
 8        *skills.*

9    **SEC. 232. AUTHORITY TO TERMINATE EMPLOYMENT OF**  
 10        **CERTAIN EMPLOYEES.**

11        *(a) IN GENERAL.—The Director of Central Intelligence*  
 12        *may, in the Director's discretion, terminate the employment*  
 13        *of any officer or employee of the Central Intelligence Agency*  
 14        *or the Community Management Staff whenever the Director*  
 15        *considers such termination to be necessary or advisable in*  
 16        *the interests of the United States.*

17        *(b) OTHER EMPLOYMENT IN THE GOVERNMENT.—Any*  
 18        *such termination does not affect the right of the individual*  
 19        *whose employment is so terminated to seek or accept em-*  
 20        *ployment in any other department or agency of the Govern-*  
 21        *ment if declared eligible for such employment by the Office*  
 22        *of Personnel Management.*

23    **SEC. 233. INTELLIGENCE COMMUNITY RESERVE.**

24        *(a) ESTABLISHMENT.—The Director of Central Intel-*  
 25        *ligence shall establish an Intelligence Community Reserve.*



1       (b) *MEMBERS.*—*The Intelligence Community Reserve*  
2 *may consist of former or retired personnel of elements of*  
3 *the Intelligence Community (including individuals with ex-*  
4 *pertise in all-source analysis and individuals who are lin-*  
5 *guists) and of other qualified individuals drawn from non-*  
6 *Intelligence Community sources, as determined by the Di-*  
7 *rector of Central Intelligence. Each member of the Intel-*  
8 *ligence Community Reserve shall agree that, during any pe-*  
9 *riod of emergency (as determined by the Director), the mem-*  
10 *ber shall enter into or return to active civilian status within*  
11 *the Intelligence Community and shall perform such duties*  
12 *as the Director may assign.*

13       (c) *MONETARY INCENTIVES.*—*In order to attract indi-*  
14 *viduals to become members of the Intelligence Community*  
15 *Reserve, the Director, without regard to subchapter IV of*  
16 *chapter 55 of title 5, United States Code, may provide spe-*  
17 *cial monetary incentives to individuals eligible to become*  
18 *members of the Reserve who agree to become members of*  
19 *the Intelligence Community Reserve and to acquire or re-*  
20 *tain proficiency in such skills as the Director shall specify.*

21       (d) *TRAINING AND SUPPORT.*—*In order to provide*  
22 *training and support for members of the Intelligence Com-*  
23 *munity Reserve, the Director—*

1           (1) *may pay all or part of the expenses related*  
2           *to the training of individuals in the Intelligence Com-*  
3           *munity Reserve; and*

4           (2) *may pay benefits and allowances in accord-*  
5           *ance with chapters 57 and 59 of title 5, United States*  
6           *Code, to individuals in the Intelligence Community*  
7           *Reserve who are assigned to training at sites away*  
8           *from their homes or regular places of business.*

9           (e) *SERVICE AGREEMENTS.—(1) The Director, before*  
10          *providing training under this section to any individual,*  
11          *may obtain an agreement with that individual that—*

12           (A) *in the case of current employees, pertains to*  
13           *continuation of service of the employee, and repay-*  
14           *ment of the expenses of such training for failure to*  
15           *fulfill the agreement, consistent with the provisions of*  
16           *section 4108 of title 5, United States Code; and*

17           (B) *in the case of individuals accepted for mem-*  
18           *bership in the Intelligence Community Reserve, per-*  
19           *tains to return to service when requested, and repay-*  
20           *ment of the expenses of such training for failure to*  
21           *fulfill the agreement, consistent with the provisions of*  
22           *section 4108 of title 5, United States Code.*

23           (2) *The Director, under regulations prescribed under*  
24          *this section, may waive, in whole or in part, a right of*  
25          *recovery under an agreement made under this subsection*

1 *if it is shown that the recovery would be against equity*  
 2 *and good conscience or against the public interest.*

3 (f) *APPLICABILITY OF VOLUNTARY SEPARATION PAY*  
 4 *ACT.—(1) Participation in the Intelligence Community Re-*  
 5 *serve through the receipt of monetary incentives under sub-*  
 6 *section (c) does not constitute employment with the Govern-*  
 7 *ment of the United States for purposes of the Central Intel-*  
 8 *ligence Agency Voluntary Separation Pay Act (50 U.S.C.*  
 9 *403–4).*

10 (2) *Performing service in an active duty status under*  
 11 *subsection (d) does constitute employment with the Govern-*  
 12 *ment of the United States for purposes of the Central Intel-*  
 13 *ligence Agency Voluntary Separation Pay Act (50 U.S.C.*  
 14 *403–4), and the repayment requirement of section 2(b) of*  
 15 *that Act applies unless waived in accordance with such sec-*  
 16 *tion 2(b).*

## 17 ***Subtitle D—Infrastructure Support*** 18 ***Office***

### 19 ***SEC. 241. ESTABLISHMENT OF INFRASTRUCTURE SUPPORT*** 20 ***OFFICE.***

21 (a) *ESTABLISHMENT.—There is within the Intelligence*  
 22 *Community the Infrastructure Support Office.*

23 (b) *DIRECTOR.—The Office shall be headed by a Direc-*  
 24 *tor, who shall be appointed by the Director of Central Intel-*  
 25 *ligence.*

1 **SEC. 242. RESPONSIBILITIES OF DIRECTOR OF THE INFRA-**  
2 **STRUCTURE SUPPORT OFFICE.**

3 (a) *IN GENERAL.*—Under the direction of the Deputy  
4 Director of Central Intelligence for Community Manage-  
5 ment, the Director of the Infrastructure Support Office shall  
6 be responsible for administrative and logistical functions  
7 relating to infrastructure and services of common concern  
8 to elements of the Intelligence Community. Such functions  
9 shall include the following:

10 (1) *Personnel management.*

11 (2) *Security.*

12 (3) *Community-level training.*

13 (4) *Communications.*

14 (5) *Automation.*

15 (6) *Such additional functions as may be as-*  
16 *signed by the Director of Central Intelligence.*

17 (b) *AUTOMATION EQUIPMENT.*—The Director of the In-  
18 frastructure Support Office shall establish standards and  
19 information architectures for automation equipment  
20 throughout the Intelligence Community. The Director shall  
21 be responsible for life-cycle management, replacement, and  
22 upgrading of such equipment.

23 (c) *COORDINATION AMONG ELEMENTS OF INTEL-*  
24 *LIGENCE COMMUNITY.*—The Director of Central Intelligence  
25 and the Secretary of Defense, as appropriate, shall require  
26 the head of each element of the Intelligence Community to

1 *report to the Director of the Infrastructure Support Office*  
 2 *on those functions and activities that can be consolidated*  
 3 *in the Infrastructure Support Office so as to achieve cost*  
 4 *savings and efficiencies for the Intelligence Community as*  
 5 *a whole.*

6 ***Subtitle E—Intelligence Community***  
 7 ***Administration***

8 ***SEC. 251. SECRECY AGREEMENTS USED IN INTELLIGENCE***  
 9 ***ACTIVITIES.***

10 *Notwithstanding any other provision of law not spe-*  
 11 *cifically referencing this section, a nondisclosure policy*  
 12 *form or agreement that is to be executed by a person con-*  
 13 *nected with the conduct of an intelligence or intelligence-*  
 14 *related activity, other than an employee or officer of the*  
 15 *United States Government, may contain provisions appro-*  
 16 *priate to the particular activity for which such document*  
 17 *is to be used. Such form or agreement shall, at a mini-*  
 18 *mum—*

19 *(1) require that the person will not disclose any*  
 20 *classified information received in the course of such*  
 21 *activity unless specifically authorized to do so by the*  
 22 *United States Government; and*

23 *(2) provide that the form or agreement does not*  
 24 *bar—*

25 *(A) disclosures to Congress; or*

1                   (B) disclosures to an authorized official of  
2                   an executive agency that are considered essential  
3                   to reporting a violation of United States law.

4 **SEC. 252. COORDINATION OF COUNTERINTELLIGENCE MAT-**  
5 **TERS WITH THE FEDERAL BUREAU OF INVES-**  
6 **TIGATION.**

7           (a) *COORDINATION BY OTHER AGENCIES WITH*  
8 *FBI.—(1) The head of each department or agency within*  
9 *the executive branch shall ensure that the Director of the*  
10 *Federal Bureau of Investigation is informed immediately*  
11 *of any information, regardless of its origin, which indicates*  
12 *that classified information is being, or may have been, dis-*  
13 *closed in an unauthorized manner to a foreign power or*  
14 *an agent of a foreign power.*

15           (2) *Following the making of a report under paragraph*  
16 *(1), the head of the department or agency making the report*  
17 *shall ensure that the Director of the Federal Bureau of In-*  
18 *vestigation is consulted with respect to all subsequent ac-*  
19 *tions that may be undertaken by the department or agency*  
20 *to determine the source of such unauthorized disclosure.*

21           (3) *When, after appropriate consultation with the head*  
22 *of the department or agency concerned, the Director of the*  
23 *Federal Bureau of Investigation undertakes investigative*  
24 *activities to determine the source of the unauthorized disclo-*  
25 *sure, the head of the department or agency concerned shall*

1 *ensure that the Director is given complete and timely access*  
2 *to the employees and records of that department or agency*  
3 *for purposes of such investigative activities.*

4 *(b) COORDINATION BY FBI WITH OTHER AGENCIES.—*

5 *(1) The Director of the Federal Bureau of Investigation*  
6 *shall ensure that when the Bureau obtains espionage infor-*  
7 *mation pertaining to the personnel, operations, or informa-*  
8 *tion of another department or agency of the executive*  
9 *branch, such information is provided through appropriate*  
10 *channels to the head of that department or agency.*

11 *(2) The Director shall ensure that when the Bureau*  
12 *undertakes an espionage investigation which involves the*  
13 *personnel, operations, or information of another depart-*  
14 *ment or agency of the executive branch after a report is*  
15 *provided pursuant to subsection (a)(1), the head of that de-*  
16 *partment or agency is consulted with respect to that inves-*  
17 *tigation.*

18 *(c) PRESIDENTIAL WAIVER AUTHORITY.—(1) When es-*  
19 *sential to meet extraordinary circumstances affecting vital*  
20 *national security interests of the United States as deter-*  
21 *mined by the President, the President may, on a case-by-*  
22 *case basis, waive the requirements of subsection (a) or (b),*  
23 *as they apply to the head of a particular department or*  
24 *agency or to the Director of the Federal Bureau of Inves-*  
25 *tigation.*

1       (2) *Such a waiver shall be in writing and shall fully*  
 2       *state the justification for the waiver.*

3       (3) *Within 30 days after issuing such a waiver, the*  
 4       *President shall notify the congressional intelligence commit-*  
 5       *tees that the waiver has been issued and, at that time or*  
 6       *as soon thereafter as national security considerations per-*  
 7       *mit, shall provide those committees with a complete expla-*  
 8       *nation of the circumstances which necessitated the waiver.*

9       (d) *ANNUAL REPORT.*—*The Director of the Federal*  
 10       *Bureau of Investigation shall, not later than February 1*  
 11       *of each year, submit to the congressional intelligence com-*  
 12       *mittees and, in accordance with applicable security proce-*  
 13       *dures, the Committees on the Judiciary of the Senate and*  
 14       *House of Representatives a report with respect to compli-*  
 15       *ance with subsections (a) and (b) during the previous cal-*  
 16       *endar year. Each such report shall be prepared in consulta-*  
 17       *tion with the Director of Central Intelligence and the Sec-*  
 18       *retary of Defense.*

19       (e) *RELATIONSHIP TO DEPARTMENT OF DEFENSE AU-*  
 20       *THORITY OVER PERSONS SUBJECT TO UCMJ.*—*Nothing in*  
 21       *this section may be construed to—*

22               (1) *alter the jurisdictional arrangements in effect*  
 23       *as of October 14, 1994, between the Federal Bureau*  
 24       *of Investigation and the Department of Defense with*  
 25       *respect to investigations of persons subject to the Uni-*



1       *form Code of Military Justice (chapter 47 of title 10,*  
2       *United States Code); or*

3               (2) *impose reporting requirements upon the De-*  
4       *partment of Defense with respect to such investiga-*  
5       *tions beyond those required by law and executive*  
6       *branch policy as of October 14, 1994.*

7       (f) *DEFINITIONS.—As used in this section, the terms*  
8       *“foreign power” and “agent of a foreign power” have the*  
9       *meanings set forth in sections 101(a) and 101(b), respec-*  
10       *tively, of the Foreign Intelligence Surveillance Act of 1978*  
11       *(50 U.S.C. 1801).*

12   **SEC. 253. INTELLIGENCE COMMUNITY CONTRACTING.**

13       *The Director of Central Intelligence shall direct that*  
14       *elements of the Intelligence Community, whenever compat-*  
15       *ible with the national security interests of the United States*  
16       *and consistent with the operational and security concerns*  
17       *related to the conduct of intelligence activities, and where*  
18       *fiscally sound, shall award contracts in a manner that*  
19       *would maximize the procurement of products in the United*  
20       *States.*

1           ***TITLE III—INTELLIGENCE***  
2           ***COMMUNITY AGENCIES***  
3           ***Subtitle A—Central Intelligence***  
4           ***Agency***

5   ***SEC. 301. CENTRAL INTELLIGENCE AGENCY.***

6           *There is a Central Intelligence Agency. The Central In-*  
7   *telligence Agency is the principal all-source national intel-*  
8   *ligence analytical agency. The Director of Central Intel-*  
9   *ligence is the head of the Central Intelligence Agency.*

10   ***SEC. 302. DUTIES OF DIRECTOR OF CENTRAL INTEL-***  
11           ***LIGENCE WITH REGARD TO THE CENTRAL IN-***  
12           ***TELLIGENCE AGENCY.***

13           *The Director of Central Intelligence, as head of the*  
14   *Central Intelligence Agency, shall—*

15           (1) *correlate and evaluate intelligence related to*  
16           *the national security;*

17           (2) *provide appropriate dissemination of such*  
18           *intelligence; and*

19           (3) *coordinate and manage all human intel-*  
20           *ligence activities within the Intelligence Community.*

21   ***SEC. 303. FUNCTIONS OF THE CENTRAL INTELLIGENCE***  
22           ***AGENCY.***

23           *The Director of Central Intelligence, as head of the*  
24   *Central Intelligence Agency, shall perform the following*  
25   *functions:*

1           (1) *ANALYSIS AND PRODUCTION.*—

2                 (A) *Correlating and evaluating intelligence*  
3                 *related to national security collected from all*  
4                 *sources available throughout the Intelligence*  
5                 *Community and facilitating appropriate dis-*  
6                 *semination of such intelligence.*

7                 (B) *Coordinating analyses conducted by the*  
8                 *elements of the Intelligence Community and es-*  
9                 *tablishing procedures for collaborative all-source*  
10                *analysis.*

11                (C) *Producing national intelligence esti-*  
12                *mates.*

13                (D) *Managing the acquisition and incorpo-*  
14                *ration of all-source intelligence into the commu-*  
15                *nity all-source analytical process.*

16           (2) *COLLECTION OF INTELLIGENCE THROUGH*  
17           *HUMAN SOURCES.*—

18                (A) *Collecting national intelligence clandes-*  
19                *tinely through human sources and by other ap-*  
20                *propriate means, using the elements of the Intel-*  
21                *ligence Community authorized to undertake such*  
22                *collection.*

23                (B) *Ensuring that the most effective use is*  
24                *made of resources authorized for the purposes of*  
25                *subparagraph (A) and minimizing the risks to*

1           *the United States inherent in clandestine collec-*  
 2           *tion operations.*

3           *(C) Managing the administrative and tech-*  
 4           *nical support activities of the Intelligence Com-*  
 5           *munity necessary to carrying out clandestine*  
 6           *collection.*

7           *(D) Performing such other functions as the*  
 8           *Director of Central Intelligence may direct.*

9   **SEC. 304. AGREEMENT TO TRANSFER DOD CLANDESTINE**  
 10           **HUMINT TO CIA.**

11       *The Secretary of Defense shall enter into an agreement*  
 12       *with the Director of Central Intelligence to transfer from*  
 13       *the Secretary of Defense the responsibilities and authorities*  
 14       *of the Secretary for the clandestine collection of intelligence*  
 15       *by human sources conducted by the Defense Human Intel-*  
 16       *ligence Service as of the date of the enactment of this Act.*

17           ***Subtitle B—The National***  
 18           ***Intelligence Evaluation Council***

19   **SEC. 321. NATIONAL INTELLIGENCE EVALUATION COUNCIL.**

20       *(a) ESTABLISHMENT.—There is within the Intelligence*  
 21       *Community the National Intelligence Evaluation Council.*

22       *(b) MEMBERS.—The National Intelligence Evaluation*  
 23       *Council shall be composed of senior analysts within the In-*  
 24       *telligence Community and may include substantive experts*  
 25       *from the public and private sector. Members of the Council*

1 *shall be appointed by, report to, and serve at the pleasure*  
 2 *of, the Director of Central Intelligence. The Director of*  
 3 *Central Intelligence shall appoint the head of the Council*  
 4 *from among its members, who shall report directly to the*  
 5 *Director of Central Intelligence.*

6 (c) *SECURITY REQUIREMENTS.—The Director of*  
 7 *Central Intelligence shall prescribe appropriate security re-*  
 8 *quirements for personnel appointed from the private sector*  
 9 *as a condition of service on the Council to ensure the protec-*  
 10 *tion of intelligence sources and methods while avoiding,*  
 11 *wherever possible, unduly intrusive requirements which the*  
 12 *Director considers to be unnecessary for this purpose.*

13 **SEC. 322. FUNCTIONS OF THE NATIONAL INTELLIGENCE**  
 14 **EVALUATION COUNCIL.**

15 *The National Intelligence Evaluation Council shall*  
 16 *evaluate Intelligence Community-wide collection and pro-*  
 17 *duction of intelligence, as well as the requirements and re-*  
 18 *sources for such collection and production. Such evaluation*  
 19 *shall be performed in consultation with both Deputy Direc-*  
 20 *tors of Central Intelligence and with the Director of Mili-*  
 21 *tary Intelligence.*

22 **SEC. 323. STAFFING OF THE NATIONAL INTELLIGENCE**  
 23 **EVALUATION COUNCIL.**

24 *The Director of Central Intelligence shall make avail-*  
 25 *able to the National Intelligence Evaluation Council such*

1 *staff as may be necessary to permit the Council to carry*  
 2 *out its responsibilities under this subtitle and shall take ap-*  
 3 *propriate measures to ensure that the Council and its staff*  
 4 *satisfy the needs of policymaking officials and other con-*  
 5 *sumers of intelligence.*

6 ***Subtitle C—Future of Intelligence***  
 7 ***Collection***

8 ***SEC. 331. PANEL ON THE FUTURE OF INTELLIGENCE COL-***  
 9 ***LECTION.***

10 *(a) STUDY.—The Director of Central Intelligence and*  
 11 *the Secretary of Defense shall arrange for a study to be con-*  
 12 *ducted on the future of intelligence collection, in terms of*  
 13 *managing collection resources in a more consolidated, syn-*  
 14 *ergistic manner. The study is not limited to, but should in-*  
 15 *clude specific examination of the following:*

16 *(1) Establishing within the Intelligence Commu-*  
 17 *nity a single agency with responsibility for—*

18 *(A) the clandestine collection of intelligence*  
 19 *through human sources and other clandestine*  
 20 *techniques;*

21 *(B) covert action; and*

22 *(C) representing the Director of Central In-*  
 23 *telligence in liaison with foreign intelligence and*  
 24 *security services.*

1           (2) *Establishing a single agency for the conduct*  
2           *of technical intelligence collection activities, includ-*  
3           *ing—*

4                   (A) *signals intelligence (SIGINT), imagery*  
5                   *intelligence (IMINT), and measurement and sig-*  
6                   *natures intelligence (MASINT);*

7                   (B) *first-phase (or initial) exploitation of*  
8                   *the results of such collection;*

9                   (C) *dissemination of such collection in a*  
10                  *timely manner;*

11                  (D) *development of processing and exploi-*  
12                  *tation technologies to support these functions;*  
13                  *and*

14                  (E) *serving as the sole agent within the In-*  
15                  *telligence Community for—*

16                   (i) *the specification of technical re-*  
17                   *quirements for such reconnaissance systems*  
18                   *as may be needed to meet the signals intel-*  
19                   *ligence, imagery intelligence, and measure-*  
20                   *ment and signatures intelligence collection*  
21                   *requirements of the Intelligence Community;*  
22                   *and*

23                   (ii) *the operation and final disposition*  
24                   *of such systems.*

25           (3) *Establishing a single agency—*

1           (A) to serve as the sole agent within the In-  
2           telligence Community for the conduct of research,  
3           development, test, and evaluation, for procure-  
4           ment, and for launch of satellite reconnaissance  
5           systems that may be required to satisfy the intel-  
6           ligence collection requirements of the Intelligence  
7           Community; and

8           (B) to serve as the primary agent within  
9           the Intelligence Community for the conduct of re-  
10          search, development, test, evaluation and for pro-  
11          curement of reconnaissance, surveillance, and  
12          sensor systems, including airborne and maritime  
13          reconnaissance capabilities within the National  
14          Foreign Intelligence Program and the Joint  
15          Military Intelligence Program.

16          (4) Establishing a single agency for collection  
17          and processing of imagery and geospatial informa-  
18          tion. This should be examined as both a stand-alone  
19          agency and as a subset of the agency described in  
20          paragraph (2). Specifically, the study should evaluate  
21          the substantive advantages and disadvantages of con-  
22          solidating imagery collection into an overall collection  
23          agency.

24          (b) CRITERIA.—The study under subsection (a) shall—



1           (1) *take into account current and future techno-*  
 2           *logical capabilities and intelligence requirements;*

3           (2) *take into account the costs and benefits asso-*  
 4           *ciated with establishing each of the agencies described*  
 5           *in paragraphs (1) through (4) of subsection (a) as*  
 6           *well as the costs and benefits of maintaining the cur-*  
 7           *rent system of distinct “collection stovepipes”; and*

8           (3) *examine establishing each of the agencies de-*  
 9           *scribed in paragraphs (1) through (4) of subsection*  
 10          *(a) both on their individual merits and also with a*  
 11          *view toward having such agencies co-exist as an en-*  
 12          *tire new organizational structure.*

13          (c) *PANEL MEMBERS.—*

14           (1) *SELECTION.—The Director of Central Intel-*  
 15          *ligence and the Secretary of Defense, jointly, shall se-*  
 16          *lect individuals for membership on a panel to conduct*  
 17          *the study under subsection (a) who are—*

18                   (A) *current and former members of the In-*  
 19                   *telligence Community and senior policy makers*  
 20                   *who are knowledgeable about a diverse range of*  
 21                   *intelligence requirements; and*

22                   (B) *such other public or private individuals*  
 23                   *as the Director and the Secretary deem appro-*  
 24                   *priate.*

1           (2) *BALANCE.*—*Membership on the panel shall be*  
 2           *balanced in terms of technical and operational knowl-*  
 3           *edge and views so as to ensure the objectivity of the*  
 4           *panel's report.*

5           (3) *DIRECTOR.*—*The Director of Central Intel-*  
 6           *ligence shall appoint a director of the panel from*  
 7           *among its members. The director of the panel may*  
 8           *create such sub-panels as the director deems appro-*  
 9           *priate.*

10          (d) *REPORT.*—*No later than April 15, 1997, the panel*  
 11          *shall submit a report of the study to the Director of Central*  
 12          *Intelligence, who shall forward the report to the President,*  
 13          *the Secretary of Defense, and to the congressional intel-*  
 14          *ligence committees.*

15       ***TITLE IV—DEPARTMENT OF DE-***  
 16       ***FENSE FUNCTIONS IN THE IN-***  
 17       ***TELLIGENCE COMMUNITY***

18       ***Subtitle A—Secretary of Defense***

19       ***SEC. 401. OVERALL SECRETARY OF DEFENSE FUNCTIONS.***

20          *The Secretary of Defense shall perform such intel-*  
 21          *ligence functions as may be directed by the President by*  
 22          *Executive order or otherwise.*

1 **SEC. 402. REQUIREMENT THAT BUDGETS FOR INTEL-**  
2 **LIGENCE COMPONENTS BE ADEQUATE.**

3 *The Secretary of Defense shall ensure that the budgets*  
4 *of the elements of the Intelligence Community within the*  
5 *Department of Defense for any fiscal year are adequate to*  
6 *satisfy the overall intelligence needs of the Department of*  
7 *Defense, including—*

8 *(1) the needs of the chairman of the Joint Chiefs*  
9 *of Staff;*

10 *(2) the needs of the commanders of the unified*  
11 *and specified commands; and*

12 *(3) the needs of other departments and agencies,*  
13 *as appropriate.*

14 **SEC. 403. IMPLEMENTATION OF DIRECTOR OF CENTRAL IN-**  
15 **TELLIGENCE POLICIES AND RESOURCE DECI-**  
16 **SIONS.**

17 *The Secretary of Defense shall ensure appropriate im-*  
18 *plementation of the policies and resource decisions of the*  
19 *Director of Central Intelligence by elements of the Depart-*  
20 *ment of Defense within the National Foreign Intelligence*  
21 *Program.*

22 **SEC. 404. RELATIONSHIP OF NFIP ACTIVITIES TO TACTICAL**  
23 **INTELLIGENCE ACTIVITIES.**

24 *The Secretary of Defense shall ensure that the tactical*  
25 *intelligence activities of the Department of Defense com-*  
26 *plement, and are compatible with, intelligence activities*

1 *under the National Foreign Intelligence Program. The Sec-*  
2 *retary shall carry out this section through the Director of*  
3 *Military Intelligence.*

4 **SEC. 405. RESPONSIVENESS TO OPERATIONAL MILITARY**  
5 **FORCES.**

6 *The Secretary of Defense shall ensure that the elements*  
7 *of the Intelligence Community within the Department of*  
8 *Defense are responsive and timely with respect to satisfying*  
9 *the needs of operational military forces.*

10 **SEC. 406. ELIMINATION OF WASTE AND UNNECESSARY DU-**  
11 **PLICATION.**

12 *The Secretary of Defense shall eliminate waste and un-*  
13 *necessary duplication among the intelligence activities of*  
14 *the Department of Defense.*

15 **SEC. 407. JOINT AND CORPORATE CONDUCT OF DEFENSE**  
16 **INTELLIGENCE ACTIVITIES.**

17 *The Secretary of Defense shall ensure that, when ap-*  
18 *propriate, intelligence activities of the Department of De-*  
19 *fense are conducted (1) jointly, and (2) cooperatively with*  
20 *elements of the Intelligence Community outside the Depart-*  
21 *ment of Defense.*

22 **SEC. 408. SIGNALS INTELLIGENCE ACTIVITIES.**

23 *The Secretary of Defense shall ensure through the Na-*  
24 *tional Security Agency (except as otherwise directed by the*  
25 *President or the National Security Council), the continued*

1 *operation of an effective unified organization for the con-*  
2 *duct of signals intelligence activities and shall ensure that*  
3 *the product is disseminated in a timely manner to author-*  
4 *ized recipients.*

5 **SEC. 409. IMAGERY COLLECTION, PROCESSING, AND EX-**  
6 **PLOITATION.**

7 *The Secretary of Defense shall ensure through the*  
8 *Central Imagery Office (except as otherwise directed by the*  
9 *President or the National Security Council), with appro-*  
10 *priate representation from the Intelligence Community, the*  
11 *continued operation of an effective unified organization*  
12 *within the Department of Defense for carrying out tasking*  
13 *of imagery collection, for the coordination of imagery proc-*  
14 *essing and exploitation activities, and for ensuring the dis-*  
15 *semination of imagery in a timely manner to authorized*  
16 *recipients.*

17 **SEC. 410. OVERHEAD RECONNAISSANCE SYSTEMS.**

18 *The Secretary of Defense shall ensure through the Na-*  
19 *tional Reconnaissance Office (except as otherwise directed*  
20 *by the President or the National Security Council), the con-*  
21 *tinued operation of an effective unified organization for the*  
22 *research and development, acquisition, and operation of*  
23 *overhead reconnaissance systems necessary to satisfy the re-*  
24 *quirements of all elements of the Intelligence Community.*

1 **SEC. 411. USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.**

2       *The Secretary of Defense, in carrying out the functions*  
 3 *of the Secretary under this Act, may use such elements of*  
 4 *the Department of Defense as may be appropriate for the*  
 5 *execution of those functions, in addition to, or in lieu of,*  
 6 *the elements specifically identified in this Act for the per-*  
 7 *formance of those functions.*

8 **SEC. 412. CONSULTATIONS REGARDING APPOINTMENT OF**  
 9 **CERTAIN INTELLIGENCE OFFICIALS.**

10       *(a) IN GENERAL.—Section 201 of title 10, United*  
 11 *States Code, is amended to read as follows:*

12 **“§201. Consultation regarding appointment of heads**  
 13 **of certain intelligence components**

14       *“(a) CONSULTATIONS WITH REGARD TO DIRECTORS*  
 15 *OF NSA AND NRO.—Before submitting a recommendation*  
 16 *to the President regarding the appointment of an individ-*  
 17 *ual to the position of Director of the National Security*  
 18 *Agency or Director of the National Reconnaissance Office,*  
 19 *the Secretary of Defense shall consult with the Director of*  
 20 *Central Intelligence regarding the recommendation.*

21       *“(b) APPOINTMENT OF HEAD OF CENTRAL IMAGERY*  
 22 *OFFICE.—The Secretary shall appoint, upon the rec-*  
 23 *ommendation of the Director of Central Intelligence, the*  
 24 *head of the Central Imagery Office within the Department*  
 25 *of Defense.”.*

1       (b) *CLERICAL AMENDMENT.*—*The item relating to sec-*  
 2 *tion 201 in the table of sections at the beginning of sub-*  
 3 *chapter II of chapter 8 of such title is amended to read*  
 4 *as follows:*

“201. Consultation regarding appointment of heads of certain intelligence compo-  
 nents.”.

5       ***Subtitle B—Director of Military***  
 6       ***Intelligence***

7       ***SEC. 421. DIRECTOR OF MILITARY INTELLIGENCE.***

8       (a) *ESTABLISHMENT OF POSITION.*—*There is a Direc-*  
 9 *tor of Military Intelligence, appointed by the President, by*  
 10 *and with the advice and consent of the Senate, from the*  
 11 *officers of the regular components of the Armed Forces on*  
 12 *active duty. The Director, while so serving, holds the grade*  
 13 *of lieutenant general or vice admiral.*

14       (b) *NOMINATION.*—*A recommendation by the Secretary*  
 15 *of Defense to the President for appointment of an officer*  
 16 *as Director of Military Intelligence may be made only after*  
 17 *consultation with the Director of Central Intelligence.*

18       ***SEC. 422. FUNCTIONS OF THE DIRECTOR OF MILITARY IN-***  
 19       ***TELLIGENCE.***

20       (a) *SENIOR MILITARY INTELLIGENCE ADVISER.*—*The*  
 21 *Director of Military Intelligence is the senior military intel-*  
 22 *ligence adviser to the Secretary of Defense.*

23       (b) *DIRECTOR OF DIA.*—*The Director of Military In-*  
 24 *telligence is the Director of the Defense Intelligence Agency.*

1       (c) *PROGRAM MANAGER FOR JMIP.*—*The Director of*  
 2 *Military Intelligence is the program manager for the Joint*  
 3 *Military Intelligence Program (or any successor program).*

4       (d) *PROGRAM COORDINATOR FOR TIARA.*—*The Direc-*  
 5 *tor of Military Intelligence is the program coordinator for*  
 6 *the activities in the Department of Defense known as Tac-*  
 7 *tical Intelligence and Related Activities (TIARA).*

8       **SEC. 423. ROLE OF DIRECTOR OF MILITARY INTELLIGENCE**  
 9                               **IN THE INTELLIGENCE COMMUNITY.**

10       (a) *NATIONAL INTELLIGENCE.*—*The Director of Mili-*  
 11 *tary Intelligence, as director of the Defense Intelligence*  
 12 *Agency, is accountable to the Director of Central Intel-*  
 13 *ligence in matters relative to the collection and prosecution*  
 14 *of national intelligence.*

15       (b) *INTELLIGENCE REQUIREMENTS OF THE SEC-*  
 16 *RETARY OF DEFENSE AND THE JOINT CHIEFS OF STAFF.*—  
 17 *The Director of Military Intelligence shall be responsible for*  
 18 *ensuring that the intelligence requirements of the Secretary*  
 19 *of Defense and the Joint Chiefs of Staff are met.*

20       **SEC. 424. PLANNING AND BUDGET FUNCTIONS.**

21       (a) *JMIP RESPONSIBILITY.*—*The Director of Military*  
 22 *Intelligence is responsible within the Department of Defense*  
 23 *for development and submission of the Joint Military Intel-*  
 24 *ligence Program for any fiscal year.*



1       (b) *TIARA RESPONSIBILITY.*—*The Director is respon-*  
 2 *sible within the Department of Defense for coordination of*  
 3 *the development and submission of the budget for any fiscal*  
 4 *year for programs, projects, and activities included within*  
 5 *Tactical Intelligence and Related Activities.*

6       (c) *OVERALL BUDGET COORDINATION.*—*The Director*  
 7 *is the central point of contact in the Department of Defense*  
 8 *for budget coordination with the Deputy Director of Central*  
 9 *Intelligence for Community Management relating to the de-*  
 10 *velopment and submission of the National Foreign Intel-*  
 11 *ligence Program for any fiscal year.*

12 **SEC. 425. STAFF.**

13       *The Director of Military Intelligence shall have a staff*  
 14 *sufficient to enable the Director to carry out the functions*  
 15 *of the Director, including responsibilities with respect to*  
 16 *budget development, planning, programming, and coordi-*  
 17 *nation. The Director shall ensure that the staff acts in a*  
 18 *coordinated and corporate way with the Community Man-*  
 19 *agement Staff and the Infrastructure Support Office.*

20       ***Subtitle C—Defense Intelligence***  
 21                                   ***Agency***

22 **SEC. 441. DEFENSE INTELLIGENCE AGENCY GENERALLY.**

23       (a) *IN GENERAL.*—*There is within the Department of*  
 24 *Defense a Defense Agency designated as the Defense Intel-*

1 *ligence Agency. The Director of Military Intelligence is the*  
 2 *head of the Defense Intelligence Agency.*

3 (b) *SUPERVISION.—The Director of Military Intel-*  
 4 *ligence shall carry out the Director’s responsibilities as head*  
 5 *of the Defense Intelligence Agency under the direction of the*  
 6 *Secretary of Defense and subject to the authority and guid-*  
 7 *ance of the Director of Central Intelligence for those activi-*  
 8 *ties that support national intelligence requirements.*

9 **SEC. 442. FUNCTIONS OF THE DEFENSE INTELLIGENCE**  
 10 **AGENCY.**

11 (a) *PRODUCTION.—The Director of Military Intel-*  
 12 *ligence, in the Director’s capacity as head of the Defense*  
 13 *Intelligence Agency, shall produce timely, objective military*  
 14 *and military-related intelligence, independent of political*  
 15 *considerations or bias and based upon all sources available*  
 16 *to the Intelligence Community.*

17 (b) *DISSEMINATION OF INTELLIGENCE.—The Director*  
 18 *shall ensure the appropriate dissemination of intelligence*  
 19 *produced pursuant to subsection (a) to authorized recipi-*  
 20 *ents.*

21 (c) *MANAGEMENT OF JOINT INTELLIGENCE CENTER.—*  
 22 *The Director shall manage the Joint Intelligence Center as*  
 23 *provided by section 923 of Public Law 102–190 (10 U.S.C.*  
 24 *201 note; 105 Stat. 1453).*

1       (d) *COORDINATION.*—*The Director shall coordinate the*  
 2 *exercise pursuant to section 924 of Public Law 102–190 (10*  
 3 *U.S.C. 113 note; 105 Stat. 1454) of national intelligence*  
 4 *collections systems and exploitation organizations that*  
 5 *would be used to provide intelligence support, including*  
 6 *support of the combatant commands, during a crisis or con-*  
 7 *flict.*

8       (e) *DEFENSE ATTACHE SYSTEM.*—*The Director shall*  
 9 *manage the Defense Attache system.*

10       (f) *ADDITIONAL FUNCTIONS.*—*The Director shall per-*  
 11 *form such additional services of common concern to the in-*  
 12 *telligence elements of the Department of Defense as the Sec-*  
 13 *retary of Defense determines can be more efficiently accom-*  
 14 *plished centrally.*

## 15       ***Subtitle D—The Military*** 16       ***Departments***

### 17       ***SEC. 451. INTELLIGENCE CAPABILITIES OF THE MILITARY*** 18       ***DEPARTMENTS.***

19       (a) *REQUIREMENT FOR MAINTENANCE OF CAPABILI-*  
 20 *TIES.*—*Under the direction of the Secretary of Defense, the*  
 21 *Secretaries of the military departments shall maintain suf-*  
 22 *ficient capabilities to collect and produce intelligence to*  
 23 *meet—*

24               (1) *the requirements of the Director of Central*  
 25       *Intelligence;*

1           (2) *the requirements of the Secretary of Defense*  
 2           *or the Chairman of the Joint Chiefs of Staff; and*

3           (3) *the specialized requirements of the military*  
 4           *departments for intelligence necessary to support—*

5                     *(A) tactical commanders;*

6                     *(B) military planners;*

7                     *(C) the research and development process;*

8                     *(D) the acquisition of military equipment;*

9                     *and*

10                    *(E) training and doctrine.*

11           (b) *LEVEL AND FORM OF CAPABILITIES TO BE MAIN-*  
 12 *TAINED.—The Secretaries of the military departments shall*  
 13 *ensure that the capabilities maintained pursuant to sub-*  
 14 *section (a) do not exceed that which is necessary to satisfy*  
 15 *the requirements of their respective departments. To the ex-*  
 16 *tent feasible, the Secretaries shall provide for such capabili-*  
 17 *ties to be maintained jointly and in the most efficient and*  
 18 *cost-effective form.*

19                    ***Subtitle E—Planning and***  
 20                    ***Budgeting***

21           ***SEC. 461. JOINT MILITARY INTELLIGENCE PROGRAM.***

22           (a) *IN GENERAL.—The Joint Military Intelligence*  
 23 *Program consists of those programs, projects, and activities*  
 24 *of the Department of Defense that are intended to provide*  
 25 *intelligence, surveillance, and reconnaissance capabilities*

1 *that support multiple defense-wide or joint theater-level*  
2 *consumers.*

3 (b) *COMPONENTS.—The Joint Military Intelligence*  
4 *Program includes the programs, projects, and activities that*  
5 *as of the date of the enactment of this Act are designated*  
6 *as follows:*

7 (1) *The Defense Imagery Program.*

8 (2) *The Defense Cryptologic Program.*

9 (3) *The Defense Mapping, Charting, and Geod-*  
10 *esy Program.*

11 (4) *The Defense General Intelligence Applica-*  
12 *tions Program, including—*

13 (A) *the Defense Airborne Reconnaissance*  
14 *Program;*

15 (B) *the Defense Space Reconnaissance Pro-*  
16 *gram;*

17 (C) *the Defense Intelligence Counterdrug*  
18 *Program;*

19 (D) *the Defense Intelligence Tactical Pro-*  
20 *gram; and*

21 (E) *the Defense Intelligence Special Tech-*  
22 *nologies Program.*

23 (c) *ADDITIONAL COMPONENTS.—The Joint Military*  
24 *Intelligence Program includes such additional programs,*

1 *projects, and activities as are specified by law or are des-*  
2 *ignated by the Secretary of Defense.*

3 **SEC. 462. TACTICAL INTELLIGENCE AND RELATED ACTIVI-**  
4 **TIES (TIARA).**

5 *(a) IN GENERAL.—The set of programs, projects, and*  
6 *activities in the Department of Defense referred to as Tac-*  
7 *tical Intelligence and Related Activities are those programs,*  
8 *projects, and activities of the Department of Defense that—*

9 *(1) provide intelligence, surveillance, and recon-*  
10 *naissance capabilities that are unique to one of the*  
11 *military services; and*

12 *(2) are part of a force structure organic to one*  
13 *of the military services at the component level and*  
14 *below.*

15 *(b) INCLUDED PERSONNEL ACTIVITIES.—Those activi-*  
16 *ties include activities that train personnel for intelligence*  
17 *duties or provide an intelligence reserve.*

18 *(c) CERTAIN WEAPONS TARGETING PROGRAMS EX-*  
19 *CLUDED.—Those activities do not include programs that*  
20 *are so closely integrated with a weapons system that their*  
21 *primary function is to provide immediate-use targeting*  
22 *data.*

1 **SEC. 463. NOTICE TO CONGRESS OF CHANGES IN JMIP AND**  
 2 **TIARA.**

3 *The Secretary of Defense may not add to or remove*  
 4 *program elements from (other than a change provided by*  
 5 *law) the Joint Military Intelligence Program or the Tac-*  
 6 *tical Intelligence and Related Activities aggregation for any*  
 7 *fiscal year unless the Secretary included notice of the pro-*  
 8 *posed change with the budget justification materials sub-*  
 9 *mitted to the congressional intelligence committees for the*  
 10 *preceding fiscal year. The Secretary shall include with any*  
 11 *such notice a statement providing an explanation and jus-*  
 12 *tification for the proposed change.*

13 ***Subtitle F—Civilian Intelligence***  
 14 ***Personnel Policy***

15 **SEC. 481. STANDARDIZATION OF PERSONNEL POLICIES FOR**  
 16 **INTELLIGENCE COMPONENTS OF DEPART-**  
 17 **MENT OF DEFENSE**

18 *(a) CONSOLIDATION AND STANDARDIZATION.—Chap-*  
 19 *ter 83 of title 10, United States Code, is amended—*

20 *(1) by redesignating section 1602 as section 1607*  
 21 *and transferring that section so as to appear after*  
 22 *section 1606; and*

23 *(2) by striking out sections 1601, 1603, and 1604*  
 24 *and inserting in lieu thereof the following:*

1   **“§ 1601. Management of civilian intelligence per-**  
 2                                   **sonnel**

3           “(a) *GENERAL PERSONNEL AUTHORITY.*—*The Sec-*  
 4   *retary of Defense may, without regard to the provisions of*  
 5   *any other law relating to the appointment, number, classi-*  
 6   *fication, or compensation of employees—*

7                   “(1) *establish such excepted service positions, in-*  
 8   *cluding positions in the Intelligence Senior Executive*  
 9   *Service and positions that may be designated as In-*  
 10   *telligence Senior Level positions under section 1602(c)*  
 11   *of this title, for civilian intelligence officers and em-*  
 12   *ployees of the intelligence components of the Depart-*  
 13   *ment of Defense as may be necessary to carry out the*  
 14   *intelligence functions of such components;*

15                   “(2) *appoint individuals to such positions with*  
 16   *appropriate consideration of veterans’ preference; and*

17                   “(3) *fix the compensation of such individuals for*  
 18   *service in such positions.*

19           “(b) *AUTHORITY TO FIX RATES OF BASIC PAY,*  
 20   *OTHER ALLOWANCES AND BENEFITS.*—(1) *The Secretary*  
 21   *of Defense shall, subject to subsection (c), fix the rates of*  
 22   *basic pay for positions established under this section in re-*  
 23   *lation to the rates of basic pay provided in subpart D of*  
 24   *part III of title 5, for positions subject to that title which*  
 25   *have corresponding levels of duties and responsibilities. Ex-*  
 26   *cept as otherwise provided by law, a civilian intelligence*



1 *employee of an intelligence component of the Department*  
2 *of Defense, including an Intelligence Senior Level employee*  
3 *or a member of the Intelligence Senior Executive Service,*  
4 *may not be paid basic pay in excess of the maximum rate*  
5 *payable under section 5306(e), section 5376, or section 5382*  
6 *of title 5, respectively.*

7       “(2) *The Secretary of Defense may provide civilian*  
8 *employees of the intelligence components of the Department*  
9 *of Defense compensation (in addition to basic pay) includ-*  
10 *ing benefits, incentives, and allowances consistent with, and*  
11 *not in excess of the level authorized for, comparable posi-*  
12 *tions authorized by title 5.*

13       “(c) *PREVAILING RATE SYSTEMS.—The Secretary of*  
14 *Defense may, consistent with section 5341 of title 5, adopt*  
15 *such provisions of that title as provide for prevailing rate*  
16 *systems of basic pay and may apply those provisions to*  
17 *positions for civilian employees in or under which the De-*  
18 *partment may employ individuals described by section*  
19 *5342(a)(2)(A) of such title.*

20       “(d) *ALLOWANCES BASED ON LIVING COSTS AND EN-*  
21 *VIRONMENT.—(1) In addition to the basic pay payable*  
22 *under subsection (b), civilian intelligence officers and em-*  
23 *ployees of the intelligence components of the Department of*  
24 *Defense who are citizens or nationals of the United States*  
25 *and are stationed outside the continental United States or*

1 *in Alaska may be paid allowances, in accordance with regu-*  
 2 *lations prescribed by the Secretary of Defense, at a rate not*  
 3 *in excess of the allowance authorized to be paid by section*  
 4 *5941(a) of title 5 for employees whose rates of basic pay*  
 5 *are fixed by statute.*

6 “(2) Such allowances shall be based on—

7 “(A) living costs substantially higher than in the  
 8 *District of Columbia;*

9 “(B) conditions of environment which differ sub-  
 10 *stantially from conditions of environment in the con-*  
 11 *tinental United States and warrant an allowance as*  
 12 *a recruitment incentive; or*

13 “(C) both of the factors specified in subpara-  
 14 *graphs (A) and (B).*

15 **“§ 1602. Intelligence Senior Executive Service**

16 “(a) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—  
 17 *With regard to any positions equivalent to the Senior Exec-*  
 18 *utive Service which may be established pursuant to section*  
 19 *1601 of this title, the Secretary of Defense shall prescribe*  
 20 *regulations which are consistent with the requirements set*  
 21 *forth in sections 3131, 3132(a)(2), 3396(c), 3592, 3595(a),*  
 22 *5384, and 6304 of title 5 and subsections (a), (b), and (c)*  
 23 *of section 7543 of title 5 (except that any hearing or appeal*  
 24 *shall be held or decided pursuant to regulations issued by*  
 25 *the Secretary). To the extent practicable, the Secretary shall*

1 *also prescribe regulations to implement such other provi-*  
 2 *sions of title 5 as apply to members of the Senior Executive*  
 3 *Service or to individuals applying for positions in the Sen-*  
 4 *ior Executive Service.*

5       “(b) *AWARD OF RANK TO MEMBERS OF THE INTEL-*  
 6 *LIGENCE SENIOR EXECUTIVE SERVICE.*—*The President,*  
 7 *based on the recommendations of the Secretary of Defense,*  
 8 *may award a rank referred to in section 4507 of title 5*  
 9 *to members of the Intelligence Senior Executive Service*  
 10 *whose positions may be established pursuant to this section.*  
 11 *The awarding of such rank shall be made in a manner con-*  
 12 *sistent with the provisions of that section.*

13       “(c) *INTELLIGENCE SENIOR LEVEL POSITIONS.*—*In*  
 14 *carrying out section 1601(a) of this title, the Secretary of*  
 15 *Defense may designate positions as Intelligence Senior*  
 16 *Level positions. Positions which may be so designated are*  
 17 *those which require functional expertise and advisory ca-*  
 18 *capacity, but do not have the organizational or program man-*  
 19 *agement functions necessary for inclusion in the Intel-*  
 20 *ligence Senior Executive Service. Before designating any*  
 21 *such position, the Secretary shall prescribe regulations to*  
 22 *implement this subsection.*

23 **“§ 1603. Administrative provisions**

24       “(a) *TIME LIMITED APPOINTMENTS.*—(1) *The Sec-*  
 25 *retary of Defense may by regulation authorize the use of*

1 *time-limited appointments when hiring and appointing an*  
2 *employee to certain prescribed positions within an intel-*  
3 *ligence component of the Department of Defense. An em-*  
4 *ployee who has a time-limited appointment is not eligible*  
5 *for conversion to a permanent Intelligence Senior Executive*  
6 *Service position without competition.*

7       “(2) *In this subsection, the term ‘time-limited appoint-*  
8 *ment’ means an appointment to a position within an intel-*  
9 *ligence component of the Department of Defense for a period*  
10 *not to exceed five years.*

11       “(b) *TERMINATION OF CIVILIAN INTELLIGENCE EM-*  
12 *PLOYEES.—(1) Notwithstanding any other provision of law,*  
13 *the Secretary of Defense may terminate the employment of*  
14 *any civilian intelligence officer or employee of an intel-*  
15 *ligence component of the Department of Defense if the Sec-*  
16 *retary—*

17               “(A) *considers that action to be in the interests*  
18 *of the United States; and*

19               “(B) *determines that the procedures prescribed*  
20 *in other provisions of law that authorize the termi-*  
21 *nation of the employment of such officer or employee*  
22 *cannot be invoked in a manner consistent with na-*  
23 *tional security.*

1       “(2) *A decision by the Secretary under this subsection*  
2 *is final and may not be appealed or reviewed outside the*  
3 *Department of Defense.*

4       “(3) *The Secretary of Defense shall promptly notify*  
5 *the Permanent Select Committee on Intelligence of the*  
6 *House of Representatives and the Select Committee on Intel-*  
7 *ligence of the Senate whenever the Secretary terminates the*  
8 *employment of any officer or employee under the authority*  
9 *of this section.*

10       “(4) *Any termination of employment under this sub-*  
11 *section does not affect the right of the officer or employee*  
12 *involved to seek or accept employment with any other de-*  
13 *partment or agency of the United States if that officer or*  
14 *employee is declared eligible for such employment by the*  
15 *Director of the Office of Personnel Management.*

16       “(5) *The authority of the Secretary of Defense under*  
17 *this subsection may be delegated only to the Deputy Sec-*  
18 *retary of Defense or (with respect to officers and employees*  
19 *under their respective jurisdictions) the heads of the intel-*  
20 *ligence components of the Department of Defense. An action*  
21 *to terminate employment of any civilian intelligence officer*  
22 *or employee of the Department by any such officer may be*  
23 *appealed to the Secretary of Defense.*

24       “(c) *ADJUSTMENT IN FORCE.—(1) Notwithstanding*  
25 *sections 3501(b) and 3502 of title 5 and subject to para-*

1 *graph (2), the Secretary of Defense may prescribe regula-*  
2 *tions for the separation of civilian employees of the intel-*  
3 *ligence components of the Department of Defense including*  
4 *members of the Intelligence Senior Executive Service and*  
5 *employees assigned to Intelligence Senior Level positions,*  
6 *in an adjustment in force which give effect to—*

7           “(A) performance;

8           “(B) tenure of employment;

9           “(C) length of service as computed under section  
10       3502(a)(A), (B), and (C) of title 5; and

11          “(D) veterans’ preference, subject to sections  
12       3501(a)(3) and 3502(b) of title 5.

13       “(2) *An adjustment in force in the Intelligence Senior*  
14 *Executive Service shall be consistent with section 3595(a)*  
15 *of title 5.*

16       “(3) *The regulations prescribed under paragraph (1)*  
17 *shall include provisions for appeal rights within the De-*  
18 *partment in lieu of the provisions of any other law or regu-*  
19 *lations for all employees affected by actions under this sub-*  
20 *section.*

21       “(d) *NOTIFICATION OF CONGRESS.—The Secretary of*  
22 *Defense shall notify Congress of any regulations prescribed*  
23 *to carry out this section or section 1601 or 1602 of this*  
24 *title. Such notice shall be provided by submitting a copy*  
25 *of the regulations to the Permanent Select Committee on*

1 *Intelligence of the House of Representatives and the Select*  
 2 *Committee on Intelligence of the Senate at least 60 days*  
 3 *before such regulations take effect.*

4 **“§ 1604. *Intelligence components of the Department of***  
 5 ***Defense defined***

6 *“In this chapter, the term ‘intelligence component of*  
 7 *the Department of Defense’ means any of the following:*

8 *“(1) The National Security Agency.*

9 *“(2) The Defense Intelligence Agency.*

10 *“(3) The Central Imagery Office.*

11 *“(4) The National Reconnaissance Office.*

12 *“(5) The intelligence components of the military*  
 13 *departments.*

14 *“(6) Any other intelligence component of the De-*  
 15 *partment of Defense so designated by the Secretary of*  
 16 *Defense.*

17 *“(7) Any successor to any such agency or of-*  
 18 *fice.”.*

19 *(b) REPEAL OF SUPERSEDED PROVISIONS.—The fol-*  
 20 *lowing provisions of law are repealed:*

21 *(1) Section 1590 of title 10, United States Code.*

22 *(2) Section 303 of the Internal Security Act of*  
 23 *1950 (50 U.S.C. 833).*

1       (c) *CLERICAL AMENDMENTS.—(1)(A) The heading of*  
 2 *chapter 83 of title 10, United States Code, is amended to*  
 3 *read as follows:*

4       **“CHAPTER 83—DEFENSE INTELLIGENCE**  
 5               **CIVILIAN PERSONNEL”.**

6       (B) *The items relating to such chapter in the tables*  
 7 *of chapters at the beginning of subtitle A, and at the begin-*  
 8 *ning of part II of subtitle A, of such title are amended by*  
 9 *striking out “Agency and Central Imagery Office”.*

10       (2) *The table of sections at the beginning of chapter*  
 11 *81 of such title is amended by striking out the item relating*  
 12 *to section 1590.*

13       (3) *The table of sections at the beginning of chapter*  
 14 *83 of such title is amended—*

15               (A) *by striking out the items relating to sections*  
 16 *1601, 1602, 1603, and 1604 and inserting in lieu*  
 17 *thereof the following:*

“1601. *Management of civilian intelligence personnel.*

“1602. *Intelligence Senior Executive Service.*

“1603. *Administrative provisions.*

“1604. *Intelligence components of the Department of Defense defined.”; and*

18               (B) *by inserting after the item relating to section*  
 19 *1606 the following new item:*

“1607. *Merit pay system: Defense Intelligence Agency and Central Imagery Of-*  
*fice.”.*

20       (3) *The heading of section 1607, as transferred and*  
 21 *redesignated by subsection (a), is amended to read as fol-*  
 22 *lows:*



1   **“§ 1607. Merit pay system: Defense Intelligence Agency**  
 2                               **and Central Imagery Office”.**

3   **SEC. 482. TEMPORARY PROGRAM FOR CIVILIAN**  
 4                               **WORKFORCE REDUCTION IN THE NATIONAL**  
 5                               **SECURITY AGENCY.**

6           (a) *VOLUNTARY EARLY RETIREMENT PROGRAM.*—*The*  
 7   *Secretary of Defense may authorize the Director of the Na-*  
 8   *tional Security Agency to permit eligible employees to retire*  
 9   *early from service voluntarily by obtaining a lump-sum*  
 10   *payment representing the present value of the 2 percent per*  
 11   *annum early retirement penalty provided in section*  
 12   *8339(h) of title 5, United States Code.*

13          (b) *CONDITIONS FOR PAYMENT.*—*Under the program,*  
 14   *the payment may be offered only—*

15               (1) *with the prior consent, or on the authority,*  
 16               *of the Secretary of Defense;*

17               (2) *to employees of the National Security Agen-*  
 18               *cy;*

19               (3) *to employees within such occupational groups*  
 20               *or geographic locations, or subject to such other simi-*  
 21               *lar limitations or conditions as the Director of the*  
 22               *National Security Agency may require; and*

23               (4) *for a period not to exceed 90 consecutive days*  
 24               *during the period from October 1, 1996, to September*  
 25               *30, 1997.*

26          (c) *TERMS OF PAYMENT.*—*Such payment shall—*

1           (1) *be paid in a lump sum;*

2           (2) *be equal to the present value of the total re-*  
 3           *duction in the annuity pursuant to section 8339(h) of*  
 4           *title 5, United States Code, as calculated using ap-*  
 5           *propriate present value factors supplied by the Direc-*  
 6           *tor of the Office of Personnel Management;*

7           (3) *not be a basis for payment, and not be in-*  
 8           *cluded in the computation, of any other type of Gov-*  
 9           *ernment benefit;*

10          (4) *not be provided to employees who elect to re-*  
 11          *ceive separation pay under section 5597 of title 5,*  
 12          *United States Code; and*

13          (5) *be subject to the availability of appropria-*  
 14          *tions pursuant to subsection (e).*

15          (d) *REPAYMENT UPON REEMPLOYMENT BY THE*  
 16          *UNITED STATES.—(1) An individual who has received a*  
 17          *payment under this section and subsequently accepts em-*  
 18          *ployment with the United States shall be required to repay,*  
 19          *before the individual's first day of employment, the entire*  
 20          *amount of the lump-sum payment to the National Security*  
 21          *Agency.*

22          (2) *For the purpose of this section, the term “employ-*  
 23          *ment” includes—*

1           (A) *employment of any length or under any type*  
2           *of appointment, but does not include employment that*  
3           *is without compensation; and*

4           (B) *employment under a personal services con-*  
5           *tract, as defined in the Federal Procurement Regula-*  
6           *tions.*

7           (e) *SOURCE OF PAYMENT.—(1) A lump-sum payment*  
8           *under this section may be paid by the Director of the Na-*  
9           *tional Security Agency only out of appropriations available*  
10          *to the National Security Agency for salaries and expenses.*

11          (2) *Funds authorized to be appropriated for operation*  
12          *and maintenance for the National Security Agency in the*  
13          *Intelligence Authorization Act for Fiscal Year 1997 are au-*  
14          *thorized to be made available for lump sum payments under*  
15          *this section.*

16          (f) *DEFINITION.—For purposes of this section, the term*  
17          *“employee” means an individual who on the date of the*  
18          *enactment of this Act is an employee of the National Secu-*  
19          *rity Agency, serving under an appointment without time*  
20          *limitation, who has been employed as of that date for a*  
21          *period of at least 60 months, and who is in the Civil Service*  
22          *Retirement System and is eligible for an annuity under sec-*  
23          *tion 8336(d)(2) of title 5, United States Code. Such term*  
24          *does not include—*

1           (1) a reemployed annuitant under subchapter  
2       *III of chapter 83 of such title; or*

3           (2) an employee having a disability on the basis  
4       *of which such employee is or would be eligible for dis-*  
5       *ability retirement under chapter 83 of such title.*

6       **TITLE V—NATIONAL SECURITY**  
7       **COUNCIL AND RELATED**  
8       **BOARDS AND COMMITTEES**

9       **SEC. 501. RECODIFICATION OF LAWS RELATING TO NA-**  
10       **TIONAL SECURITY COUNCIL AND RELATED**  
11       **BOARDS AND COMMITTEES IN EXECUTIVE OF-**  
12       **FICE OF THE PRESIDENT.**

13       *Title I of the National Security Act of 1947 is amended*  
14       *by striking out the title heading and sections 101 through*  
15       *107 and inserting in lieu thereof the following:*

16       **“TITLE I—NATIONAL SECURITY**  
17       **COUNCIL AND RELATED**  
18       **BOARDS AND COMMITTEES**

19       **“SEC. 101. NATIONAL SECURITY COUNCIL.**

20       **“(a) IN GENERAL.—***There is in the Executive Office*  
21       *of the President the National Security Council. The Council*  
22       *is composed of the following:*

23               **“(1) The President.**

24               **“(2) The Vice President.**

25               **“(3) The Secretary of State.**

1           “(4) *The Secretary of Defense.*

2           “(b) *ADDITIONAL PARTICIPANTS.—Subject to the di-*  
3 *rection of the President, the following officers may attend*  
4 *and participate in meetings of the National Security Coun-*  
5 *cil:*

6           “(1) *DIRECTOR OF CENTRAL INTELLIGENCE.—*  
7 *The Director of Central Intelligence (or, in the Direc-*  
8 *tor’s absence, a Deputy Director of Central Intel-*  
9 *ligence), in the performance of the Director’s duties*  
10 *under this Act and the Intelligence Community Act.*

11          “(2) *CHAIRMAN OF THE JOINT CHIEFS OF*  
12 *STAFF.—The Chairman (or, in the Chairman’s ab-*  
13 *sence, the Vice Chairman) of the Joint Chiefs of Staff,*  
14 *in the Chairman’s role as principal military adviser*  
15 *to the National Security Council.*

16          “(3) *DIRECTOR OF NATIONAL DRUG CONTROL*  
17 *POLICY.—The Director of National Drug Control Pol-*  
18 *icy, in the Director’s role as principal adviser to the*  
19 *National Security Council on national drug control*  
20 *policy, but only through the date specified in section*  
21 *1009 of the National Narcotics Leadership Act of*  
22 *1988 (21 U.S.C. 1506).*

23          “(4) *OTHERS DESIGNATED BY THE PRESI-*  
24 *DENT.—Such additional officers as may be designated*  
25 *by the President.*

1       “(c) *FUNCTIONS.*—*The function of the Council shall be*  
2 *to advise the President with respect to the integration of*  
3 *domestic, foreign, and military policies relating to the na-*  
4 *tional security so as to enable the military services and the*  
5 *other departments and agencies of the Government to co-*  
6 *operate more effectively in matters involving the national*  
7 *security. In addition to performing such other functions as*  
8 *the President may direct, the Council (subject to the direc-*  
9 *tion of the President) shall, for the purpose of more effec-*  
10 *tively coordinating the policies and functions of the depart-*  
11 *ments and agencies of the Government relating to the na-*  
12 *tional security—*

13               “(1) *assess and appraise the objectives, commit-*  
14 *ments, and risks of the United States in relation to*  
15 *our actual and potential military power, in the inter-*  
16 *est of national security, for the purpose of making*  
17 *recommendations to the President in connection there-*  
18 *with; and*

19               “(2) *consider policies on matters of common in-*  
20 *terest to the departments and agencies of the Govern-*  
21 *ment concerned with the national security and make*  
22 *recommendations to the President in connection there-*  
23 *with.*

24       “(d) *RECOMMENDATIONS AND REPORTS.*—*The Council*  
25 *shall, from time to time, make such recommendations and*

1 *such other reports to the President as it considers appro-*  
 2 *priate or as the President may require.*

3       “(e) *STAFF.*—*The Council shall have a staff to be head-*  
 4 *ed by a civilian executive secretary who shall be appointed*  
 5 *by the President. The executive secretary, subject to the di-*  
 6 *rection of the Council, may subject to the civil-service laws,*  
 7 *appoint and fix the compensation of such personnel as may*  
 8 *be necessary to perform such duties as may be prescribed*  
 9 *by the Council in connection with the performance of its*  
 10 *functions.*

11 **“SEC. 104. BOARD FOR LOW INTENSITY CONFLICT.**

12       “(a) *ESTABLISHMENT OF BOARD.*—*The President*  
 13 *shall establish within the National Security Council a*  
 14 *board to be known as the ‘Board for Low Intensity Conflict’.*

15       “(b) *FUNCTION.*—*The principal function of the board*  
 16 *shall be to coordinate the policies of the United States for*  
 17 *low intensity conflict.*

18 **“SEC. 105. NATIONAL COUNTERINTELLIGENCE POLICY**  
 19 **BOARD.**

20       “(a) *ESTABLISHMENT OF BOARD.*—*There is within the*  
 21 *executive branch of the Government a National Counter-*  
 22 *intelligence Policy Board. The Board shall report to the*  
 23 *President through the National Security Council.*

24       “(b) *FUNCTION OF THE BOARD.*—*The Board shall*  
 25 *serve as the principal mechanism for—*

1           “(1) *developing policies and procedures for the*  
 2           *approval of the President to govern the conduct of*  
 3           *counterintelligence activities; and*

4           “(2) *resolving conflicts, as directed by the Presi-*  
 5           *dent, which may arise between elements of the Gov-*  
 6           *ernment which carry out such activities.”.*

7   **SEC. 502. COMMITTEE ON FOREIGN INTELLIGENCE.**

8           *Title I of the National Security Act of 1947, as amend-*  
 9           *ed by section 501, is further amended by inserting after sec-*  
 10          *tion 101 the following new section 102:*

11   **“SEC. 102. COMMITTEE ON FOREIGN INTELLIGENCE.**

12          “(a) *ESTABLISHMENT OF COMMITTEE.—There is es-*  
 13          *tablished within the National Security Council a Commit-*  
 14          *tee on Foreign Intelligence. The Committee shall be com-*  
 15          *posed of the following:*

16               “(1) *The Assistant to the President for National*  
 17               *Security Affairs, who shall serve as chairman of the*  
 18               *Committee.*

19               “(2) *The following officers or their respective*  
 20               *deputies:*

21                       “(A) *The Director of Central Intelligence.*

22                       “(B) *The Secretary of State.*

23                       “(C) *The Secretary of Defense.*

24                       “(D) *The Attorney General.*



1                   “(E) *The Chairman of the Joint Chiefs of*  
2                   *Staff.*

3                   “(3) *Such other members as the President may*  
4                   *designate.*

5                   “(b) *FUNCTION.—The function of the Committee on*  
6                   *Foreign Intelligence shall be—*

7                   “(1) *to establish, consistent with the policy and*  
8                   *objectives of the President, the overall requirements*  
9                   *and priorities for the Intelligence Community; and*

10                  “(2) *to assess regularly, on behalf of the Presi-*  
11                  *dent, how effectively the Intelligence Community has*  
12                  *performed its responsibilities under this Act and the*  
13                  *Intelligence Community Act.*

14                  “(c) *SEMIANNUAL STRATEGIC INTELLIGENCE REVIEW*  
15                  *PROCESS WITH CONGRESS.—Not less often than every six*  
16                  *months, the Committee on Foreign Intelligence shall con-*  
17                  *vene a meeting with the members of the congressional intel-*  
18                  *ligence committees to conduct a comprehensive, global stra-*  
19                  *tegic intelligence review. Each semiannual meeting shall re-*  
20                  *view significant strategic intelligence trends, strategic intel-*  
21                  *ligence reporting, and anticipated Intelligence Community*  
22                  *requirements for the following six to twelve months.”.*

1 **SEC. 503. TRANSNATIONAL THREATS.**

2 *Title I of the National Security Act of 1947, as amend-*  
 3 *ed by sections 501 and 502, is further amended by inserting*  
 4 *after section 102 the following new section 103:*

5 **“SEC. 103. COMMITTEE ON TRANSNATIONAL THREATS.**

6 *“(a) ESTABLISHMENT.—There is established within*  
 7 *the National Security Council a Committee on*  
 8 *Transnational Threats. The Committee shall be composed*  
 9 *of the following:*

10 *“(1) The Assistant to the President for National*  
 11 *Security Affairs, who shall serve as chairman of the*  
 12 *Committee.*

13 *“(2) The following officers or their respective*  
 14 *deputies:*

15 *“(A) The Director of Central Intelligence.*

16 *“(B) The Secretary of State.*

17 *“(C) The Secretary of Defense.*

18 *“(D) The Attorney General.*

19 *“(3) Such other members as the President may*  
 20 *designate.*

21 *“(b) FUNCTION.—The function of the Committee on*  
 22 *Transnational Threats shall be to coordinate and direct the*  
 23 *activities of the United States Government relating to com-*  
 24 *bating transnational threats. In carrying out its function,*  
 25 *the Committee shall—*

26 *“(1) identify transnational threats;*

1           “(2) *develop strategies to enable the United*  
2           *States Government to respond to transnational*  
3           *threats identified under paragraph (1);*

4           “(3) *monitor implementation of such strategies;*

5           “(4) *make recommendations as to appropriate*  
6           *responses to specific transnational threats;*

7           “(5) *assist in the resolution of operational and*  
8           *policy differences among Federal departments and*  
9           *agencies in their responses to transnational threats;*

10          “(6) *develop policies and procedures to ensure*  
11          *the effective sharing of information about*  
12          *transnational threats among Federal departments*  
13          *and agencies, including law enforcement agencies and*  
14          *the elements of the intelligence community; and*

15          “(7) *develop guidelines to enhance and improve*  
16          *the coordination of Federal law enforcement activities*  
17          *overseas.*

18          “(c) *DEFINITION OF TRANSNATIONAL THREAT.—For*  
19          *purposes of this section, the term ‘transnational threat’*  
20          *means the following:*

21               “(1) *Any transnational activity (including*  
22               *international terrorism, narcotics trafficking, the pro-*  
23               *liferation of weapons of mass destruction and the de-*  
24               *livery systems for such weapons, and organized*

1       *crime) that threatens the national security of the*  
 2       *United States.*

3               “(2) *Any individual or group that engages in an*  
 4       *activity referred to in paragraph (1).”.*

5       ***TITLE VI—TECHNICAL AND CON-***  
 6       ***FORMING AMENDMENTS AND***  
 7       ***EFFECTIVE DATE***

8       ***SEC. 601. RESTATEMENT OF NATIONAL SECURITY AGENCY***  
 9               ***ACT OF 1959.***

10       *The National Security Agency Act of 1959 (50 U.S.C.*  
 11       *402 note) is amended to read as follows:*

12       ***“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

13               ***“(a) SHORT TITLE.—This Act may be cited as the ‘Na-***  
 14       ***tional Security Agency Act of 1959’.***

15               ***“(b) TABLE OF CONTENTS.—The table of contents for***  
 16       ***this Act is as follows:***

*“Sec. 1. Short title; table of contents.*

*“Sec. 2. General personnel authorities.*

*“Sec. 3. Protection of identities of employees.*

*“Sec. 4. Authority to lease real property outside the United States.*

*“Sec. 5. Benefits for personnel assigned to special cryptologic activities outside*  
       *the United States.*

*“Sec. 10. Language training for cryptologic personnel.*

*“Sec. 11. Protection of facilities by General Services Administration.*

*“Sec. 12. Senior Cryptologic Executive Service.*

*“Sec. 13. Grants for cryptologic research.*

*“Sec. 14. Availability of certain appropriations.*

*“Sec. 15. Protection of agency name from unauthorized use.*

*“Sec. 16. Recruitment of qualified personnel.*

*“Sec. 17. Authority to pay certain expenses for employees dying while on rota-*  
       *tional tour of duty in the United States.*

1   **“SEC. 2. GENERAL PERSONNEL AUTHORITIES.**

2       “(a) *IN GENERAL.*—General personnel authorities of  
3   the Secretary of Defense with respect to the National Secu-  
4   rity Agency are provided in chapter 83 of title 10, United  
5   States Code.

6       “(b) *AUTHORITY FOR ADDITIONAL COMPENSATION*  
7   *FOR CERTAIN EMPLOYEES.*—Officers and employees of the  
8   National Security Agency who are citizens or nationals of  
9   the United States may be granted additional compensation,  
10   in accordance with regulations which shall be prescribed by  
11   the Secretary of Defense, not in excess of additional com-  
12   pensation authorized by section 5941 of title 5, United  
13   States Code, for employees whose rates of basic compensa-  
14   tion are fixed by statute.

15   **“SEC. 3. PROTECTION OF IDENTITIES OF EMPLOYEES.**

16       “Nothing in this Act or any other law shall be con-  
17   strued to require the disclosure of the organization or any  
18   function of the National Security Agency, of any informa-  
19   tion with respect to the activities thereof, or of the names,  
20   titles, salaries, or number of the persons employed by such  
21   agency.

22   **“SEC. 4. AUTHORITY TO LEASE REAL PROPERTY OUTSIDE**  
23       **THE UNITED STATES.**

24       “(a) *AUTHORITY.*—Notwithstanding section 322 of the  
25   Act of June 30, 1932 (40 U.S.C. 278a), section 5536 of title  
26   5, United States Code, and section 2675 of title 10, United

1 *States Code, the Director of the National Security Agency,*  
 2 *on behalf of the Secretary of Defense, may lease real prop-*  
 3 *erty outside the United States, for periods not exceeding ten*  
 4 *years, for the use of the National Security Agency for spe-*  
 5 *cial cryptologic activities and for housing for personnel as-*  
 6 *signed to such activities.*

7       “(b) *LIMITATION TO APPROPRIATED FUNDS.—The au-*  
 8 *thority of the Director of the National Security Agency, on*  
 9 *behalf of the Secretary of Defense, to make payments under*  
 10 *subsection (a), and under contracts for leases entered into*  
 11 *under subsection (a), is effective for any fiscal year only*  
 12 *to the extent that appropriated funds are available for such*  
 13 *purpose.*

14       **“SEC. 5. BENEFITS FOR PERSONNEL ASSIGNED TO SPECIAL**  
 15                               **CRYPTOLOGIC ACTIVITIES OUTSIDE THE**  
 16                               **UNITED STATES.**

17       “(a) *AUTHORITY TO PROVIDE CERTAIN BENEFITS.—*  
 18 *The Director of the National Security Agency, on behalf of*  
 19 *the Secretary of Defense, may provide to certain civilian*  
 20 *and military personnel of the Department of Defense who*  
 21 *are assigned to special cryptologic activities outside the*  
 22 *United States and who are designated by the Secretary of*  
 23 *Defense for the purposes of this subsection the following:*

24               “(1) *Allowances and benefits—*

1           “(A) comparable to those provided by the  
2           Secretary of State to members of the Foreign  
3           Service under chapter 9 of title I of the Foreign  
4           Service Act of 1980 (22 U.S.C. 4081 et seq.) or  
5           any other provision of law; and

6           “(B) in the case of selected personnel serv-  
7           ing in circumstances similar to those in which  
8           personnel of the Central Intelligence Agency  
9           serve, comparable to those provided by the Direc-  
10          tor of Central Intelligence to personnel of the  
11          Central Intelligence Agency.

12          “(2) Housing (including heat, light, and house-  
13          hold equipment) without cost to such personnel, if the  
14          Director of the National Security Agency, on behalf of  
15          the Secretary of Defense, determines that it would be  
16          in the public interest to provide such housing.

17          “(3) Special retirement accrual in the same  
18          manner provided in section 303 of the Central Intel-  
19          ligence Agency Retirement Act (50 U.S.C. 2153) and  
20          in section 18 of the Central Intelligence Agency Act  
21          of 1949.

22          “(b) LIMITATION TO APPROPRIATED FUNDS.—The au-  
23          thority of the Director of the National Security Agency, on  
24          behalf of the Secretary of Defense, to make payments under  
25          subsection (a) is effective for any fiscal year only to the

1 *extent that appropriated funds are available for such pur-*  
 2 *pose.*

3 “(c) *PROHIBITION OF DUPLICATION OF BENEFITS.*—  
 4 *Members of the Armed Forces may not receive benefits*  
 5 *under both subsection (a)(1) and under title 37, United*  
 6 *States Code, for the same purpose. The Secretary of Defense*  
 7 *shall prescribe such regulations as may be necessary to*  
 8 *carry out this subsection.*

9 “(d) *REGULATIONS.*—*Regulations prescribed under*  
 10 *subsection (a)(1) shall be submitted to the Permanent Select*  
 11 *Committee on Intelligence of the House of Representatives*  
 12 *and the Select Committee on Intelligence of the Senate be-*  
 13 *fore such regulations take effect.*

14 **“SEC. 10. LANGUAGE TRAINING FOR CRYPTOLOGIC PER-**  
 15 **SONNEL.**

16 “(a) *LANGUAGE TRAINING PROGRAMS.*—*The Director*  
 17 *of the National Security Agency shall arrange for, and shall*  
 18 *prescribe regulations concerning, language and language-*  
 19 *related training programs for military and civilian*  
 20 *cryptologic personnel. In establishing programs under this*  
 21 *section for language and language-related training, the Di-*  
 22 *rector—*

23 “(1) *may provide for the training and instruc-*  
 24 *tion to be furnished, including functional and geo-*  
 25 *graphic area specializations;*



1           “(2) may arrange for training and instruction  
2           through other Government agencies and, in any case  
3           in which appropriate training or instruction is un-  
4           available through Government facilities, through non-  
5           governmental facilities that furnish training and in-  
6           struction useful in the fields of language and foreign  
7           affairs;

8           “(3) may support programs that furnish nec-  
9           essary language and language-related skills, includ-  
10          ing, in any case in which appropriate programs are  
11          unavailable at Government facilities, support through  
12          contracts, grants, or cooperation with nongovern-  
13          mental educational institutions; and

14          “(4) may obtain by appointment or contract the  
15          services of individuals to serve as language instruc-  
16          tors, linguists, or special language project personnel.

17          “(b) *FOREIGN LANGUAGE PROFICIENCY INCEN-*  
18 *TIVES.—(1) In order to maintain necessary capability in*  
19 *foreign language skills and related abilities needed by the*  
20 *National Security Agency, the Director, without regard to*  
21 *subchapter IV of chapter 55 of title 5, United States Code,*  
22 *may provide special monetary or other incentives to encour-*  
23 *age civilian cryptologic personnel of the Agency to acquire*  
24 *or retain proficiency in foreign languages or special related*  
25 *abilities needed by the Agency.*

1       “(2) *In order to provide linguistic training and sup-*  
2 *port for cryptologic personnel, the Director—*

3               “(A) *may pay all or part of the tuition and*  
4 *other expenses related to the training of personnel who*  
5 *are assigned or detailed for language and language-*  
6 *related training, orientation, or instruction; and*

7               “(B) *may pay benefits and allowances to civil-*  
8 *ian personnel in accordance with chapters 57 and 59*  
9 *of title 5, United States Code, and to military person-*  
10 *nel in accordance with chapter 7 of title 37, United*  
11 *States Code, and applicable provisions of title 10,*  
12 *United States Code, when such personnel are assigned*  
13 *to training at sites away from their designated duty*  
14 *station.*

15       “(c) *CRYPTOLOGIC LINGUIST RESERVE.—(1) To the*  
16 *extent not inconsistent, in the opinion of the Secretary of*  
17 *Defense, with the operation of military cryptologic reserve*  
18 *units and in order to maintain necessary capability in for-*  
19  *eign language skills and related abilities needed by the Na-*  
20 *tional Security Agency, the Director may establish a*  
21 *Cryptologic Linguist Reserve.*

22       “(2) *The Cryptologic Linguist Reserve may consist of*  
23 *former or retired civilian or military cryptologic personnel*  
24 *of the National Security Agency and of other qualified indi-*  
25 *viduals, as determined by the Director of the Agency. Each*

1 *member of the Cryptologic Linguist Reserve shall agree that,*  
2 *during any period of emergency (as determined by the Di-*  
3 *rector), the member shall return to active civilian status*  
4 *with the National Security Agency and shall perform such*  
5 *linguistic or linguistic-related duties as the Director may*  
6 *assign.*

7       “(3) *In order to attract individuals to become members*  
8 *of the Cryptologic Linguist Reserve, the Director, without*  
9 *regard to subchapter IV of chapter 55 of title 5, United*  
10 *States Code, may provide special monetary incentives to in-*  
11 *dividuals eligible to become members of the reserve who*  
12 *agree to become members of the cryptologic linguist reserve*  
13 *and to acquire or retain proficiency in foreign languages*  
14 *or special related abilities.*

15       “(4) *In order to provide training and support for*  
16 *members of the Cryptologic Linguist Reserve, the Direc-*  
17 *tor—*

18               “(A) *may pay all or part of the tuition and*  
19 *other expenses related to the training of individuals*  
20 *in the Cryptologic Linguist Reserve who are assigned*  
21 *or detailed for language and language-related train-*  
22 *ing, orientation, or instruction; and*

23               “(B) *may pay benefits and allowances in accord-*  
24 *ance with chapters 57 and 59 of title 5, United States*  
25 *Code, to individuals in the Cryptologic Linguist Re-*

1        *serve who are assigned to training at sites away from*  
 2        *their homes or regular places of business.*

3        “(d) *SERVICE AGREEMENTS.—(1) The Director, before*  
 4        *providing training under this section to any individual,*  
 5        *may obtain an agreement with that individual that—*

6                “(A) *in the case of current employees, pertains*  
 7        *to continuation of service of the employee, and repay-*  
 8        *ment of the expenses of such training for failure to*  
 9        *fulfill the agreement, consistent with the provisions of*  
 10        *section 4108 of title 5, United States Code; and*

11               “(B) *in the case of individuals accepted for*  
 12        *membership in the Cryptologic Linguist Reserve, per-*  
 13        *tains to return to service when requested, and repay-*  
 14        *ment of the expenses of such training for failure to*  
 15        *fulfill the agreement, consistent with the provisions of*  
 16        *section 4108 of title 5, United States Code.*

17        “(2) *The Director, under regulations prescribed under*  
 18        *this section, may waive, in whole or in part, a right of*  
 19        *recovery under an agreement made under this subsection*  
 20        *if it is shown that the recovery would be against equity*  
 21        *and good conscience or against the public interest.*

22        “(e) *LANGUAGE TRAINING FOR FAMILY MEMBERS.—*  
 23        *(1) Subject to paragraph (2), the Director may provide to*  
 24        *family members of military and civilian cryptologic per-*  
 25        *sonnel assigned to representational duties outside the Unit-*

1 *ed States, in anticipation of the assignment of such person-*  
2 *nel outside the United States or while outside the United*  
3 *States, appropriate orientation and language training that*  
4 *is directly related to the assignment abroad.*

5       “(2) *Language training under paragraph (1) may not*  
6 *be provided to any individual through payment of the ex-*  
7 *penses of tuition or other cost of instruction at a non-Gov-*  
8 *ernment educational institution unless appropriate instruc-*  
9 *tion is not available at a Government facility.*

10       “(f) *WAIVER AUTHORITY.—The Director may waive*  
11 *the applicability of any provision of chapter 41 of title 5,*  
12 *United States Code, to any provision of this section if he*  
13 *finds that such waiver is important to the performance of*  
14 *cryptologic functions.*

15       “(g) *LIMITATION TO APPROPRIATED FUNDS.—The au-*  
16 *thority of the Director to enter into contracts or to make*  
17 *grants under this section is effective for any fiscal year only*  
18 *to the extent that appropriated funds are available for such*  
19 *purpose.*

20       “(h) *REGULATIONS.—Regulations prescribed under*  
21 *this section shall be submitted to the Permanent Select Com-*  
22 *mittee on Intelligence of the House of Representatives and*  
23 *the Select Committee on Intelligence of the Senate before*  
24 *such regulations take effect.*

1       “(i) *TRAVEL AND TRANSPORTATION EXPENSES IN*  
 2 *CONNECTION WITH TRAINING OUTSIDE THE UNITED*  
 3 *STATES.*—*The Director of the National Security Agency, on*  
 4 *behalf of the Secretary of Defense, may, without regard to*  
 5 *section 4109(a)(2)(B) of title 5, United States Code, pay*  
 6 *travel, transportation, storage, and subsistence expenses*  
 7 *under chapter 57 of such title to civilian and military per-*  
 8 *sonnel of the Department of Defense who are assigned to*  
 9 *duty outside the United States for a period of one year or*  
 10 *longer which involves cryptologic training, language train-*  
 11 *ing, or related disciplines.*

12       **“SEC. 11. PROTECTION OF FACILITIES BY GENERAL SERV-**  
 13                               **ICES ADMINISTRATION.**

14       *“The Administrator of General Services, upon the ap-*  
 15 *plication of the Director of the National Security Agency,*  
 16 *may provide for the protection in accordance with section*  
 17 *3 of the Act of June 1, 1948 (40 U.S.C. 318b), of certain*  
 18 *facilities (as designated by the Director of such Agency)*  
 19 *which are under the administration and control of, or are*  
 20 *used by, the National Security Agency in the same manner*  
 21 *as if such facilities were property of the United States over*  
 22 *which the United States has acquired exclusive or concur-*  
 23 *rent criminal jurisdiction.*

1 **“SEC. 12. SENIOR CRYPTOLOGIC EXECUTIVE SERVICE.**

2       “(a) *AUTHORITY TO ESTABLISH SCES.*—(1) *The Sec-*  
3 *retary of Defense (or his designee) may by regulation estab-*  
4 *lish a personnel system for senior civilian cryptologic per-*  
5 *sonnel in the National Security Agency to be known as the*  
6 *Senior Cryptologic Executive Service. The regulations es-*  
7 *tablishing the Senior Cryptologic Executive Service shall do*  
8 *the following:*

9               “(A) *Meet the requirements set forth in section*  
10 *3131 of title 5, United States Code, for the Senior Ex-*  
11 *ecutive Service.*

12              “(B) *Provide that positions in the Senior*  
13 *Cryptologic Executive Service meet requirements that*  
14 *are consistent with the provisions of section*  
15 *3132(a)(2) of such title.*

16              “(C) *Provide, without regard to section 2, rates*  
17 *of pay for the Senior Cryptologic Executive Service*  
18 *that are not in excess of the maximum rate or less*  
19 *than the minimum rate of basic pay established for*  
20 *the Senior Executive Service under section 5382 of*  
21 *such title, and that are adjusted at the same time and*  
22 *to the same extent as rates of basic pay for the Senior*  
23 *Executive Service are adjusted.*

24              “(D) *Provide a performance appraisal system for*  
25 *the Senior Cryptologic Executive Service that con-*

1       *forms to the provisions of subchapter II of chapter 43*  
2       *of such title.*

3               “(E) *Provide for removal consistent with section*  
4       *3592 of such title, and removal or suspension consist-*  
5       *ent with subsections (a), (b), and (c) of section 7543*  
6       *of such title (except that any hearing or appeal to*  
7       *which a member of the Senior Cryptologic Executive*  
8       *Service is entitled shall be held or decided pursuant*  
9       *to procedures established by regulations of the Sec-*  
10       *retary of Defense).*

11              “(F) *Permit the payment of performance awards*  
12       *to members of the Senior Cryptologic Executive Serv-*  
13       *ice consistent with the provisions applicable to per-*  
14       *formance awards under section 5384 of such title.*

15              “(G) *Provide that members of the Senior*  
16       *Cryptologic Executive Service may be granted sab-*  
17       *atical leaves consistent with the provisions of section*  
18       *3396(c) of such title.*

19              “(H) *Provide for the recertification of members*  
20       *of the Senior Cryptologic Executive Service consistent*  
21       *with the provisions of section 3393a of such title.*

22              “(2) *Except as otherwise provided in paragraph (1),*  
23       *the Secretary of Defense may—*

24              “(A) *make applicable to the Senior Cryptologic*  
25       *Executive Service any of the provisions of title 5,*



1       *United States Code, applicable to applicants for or*  
2       *members of the Senior Executive Service; and*

3               “(B) appoint, promote, and assign individuals  
4       *to positions established within the Senior Cryptologic*  
5       *Executive Service without regard to the provisions of*  
6       *title 5, United States Code, governing appointments*  
7       *and other personnel actions in the competitive service.*

8               “(3) The President, based on the recommendations of  
9       *the Secretary of Defense, may award ranks to members of*  
10       *the Senior Cryptologic Executive Service in a manner con-*  
11       *sistent with the provisions of section 4507 of title 5, United*  
12       *States Code.*

13              “(4) Notwithstanding any other provision of this sec-  
14       *tion, the Director of the National Security Agency may de-*  
15       *tail or assign any member of the Senior Cryptologic Execu-*  
16       *tive Service to serve in a position outside the National Secu-*  
17       *rity Agency in which the member’s expertise and experience*  
18       *may be of benefit to the National Security Agency or an-*  
19       *other Government agency. Any such member shall not by*  
20       *reason of such detail or assignment lose any entitlement or*  
21       *status associated with membership in the Senior*  
22       *Cryptologic Executive Service.*

23              “(b) MERIT PAY SYSTEM.—The Secretary of Defense  
24       *may by regulation establish a merit pay system for such*  
25       *employees of the National Security Agency as the Secretary*

1 of Defense considers appropriate. The merit pay system  
 2 shall be designed to carry out purposes consistent with those  
 3 set forth in section 5401(a) of title 5, United States Code.

4 “(c) *LIMITATION ON TOTAL COMPENSATION.*—Nothing  
 5 in this section shall be construed to allow the aggregate  
 6 amount payable to a member of the Senior Cryptologic Ex-  
 7 ecutive Service under this section during any fiscal year  
 8 to exceed the annual rate payable for positions at level I  
 9 of the Executive Schedule in effect at the end of such year.

10 **“SEC. 13. GRANTS FOR CRYPTOLOGIC RESEARCH.**

11 “(a) *GRANT AUTHORITY.*—The Director of the Na-  
 12 tional Security Agency may make grants to private indi-  
 13 viduals and institutions for the conduct of cryptologic re-  
 14 search. An application for a grant under this section may  
 15 not be approved unless the Director determines that the  
 16 award of the grant would be clearly consistent with the na-  
 17 tional security.

18 “(b) *APPLICABLE LAW.*—The grant program estab-  
 19 lished by subsection (a) shall be conducted in accordance  
 20 with the Federal Grant and Cooperative Agreement Act of  
 21 1977 (41 U.S.C. 501 et seq.) to the extent that such Act  
 22 is consistent with and in accordance with section 6 of this  
 23 Act.

24 “(c) *LIMITATION TO APPROPRIATED FUNDS.*—The au-  
 25 thority of the Director to make grants under this section

1 *is effective for any fiscal year only to the extent that appro-*  
 2 *priated funds are available for such purpose.*

3 **“SEC. 14. AVAILABILITY OF CERTAIN APPROPRIATIONS.**

4 *“Funds appropriated to an entity of the Federal Gov-*  
 5 *ernment other than an element of the Department of Defense*  
 6 *that have been specifically appropriated for the purchase*  
 7 *of cryptologic equipment, materials, or services with respect*  
 8 *to which the National Security Agency has been designated*  
 9 *as the central source of procurement for the Government*  
 10 *shall remain available for a period of three fiscal years.*

11 **“SEC. 15. PROTECTION OF AGENCY NAME FROM UNAU-**  
 12 **THORIZED USE.**

13 *“(a) PROHIBITION ON UNAUTHORIZED USE.—No per-*  
 14 *son may, except with the written permission of the Director*  
 15 *of the National Security Agency, knowingly use the words*  
 16 *‘National Security Agency’, the initials ‘NSA’, the seal of*  
 17 *the National Security Agency, or any colorable imitation*  
 18 *of such words, initials, or seal in connection with any mer-*  
 19 *chandise, impersonation, solicitation, or commercial activ-*  
 20 *ity in a manner reasonably calculated to convey the impres-*  
 21 *sion that such use is approved, endorsed, or authorized by*  
 22 *the National Security Agency.*

23 *“(b) ENFORCEMENT.—Whenever it appears to the At-*  
 24 *torney General that any person is engaged or is about to*  
 25 *engage in an act or practice which constitutes or will con-*

1 *stitute conduct prohibited by subsection (a), the Attorney*  
2 *General may initiate a civil proceeding in a district court*  
3 *of the United States to enjoin such act or practice. Such*  
4 *court shall proceed as soon as practicable to the hearing*  
5 *and determination of such action and may, at any time*  
6 *before final determination, enter such restraining orders or*  
7 *prohibitions, or take such other action as is warranted, to*  
8 *prevent injury to the United States or to any person or*  
9 *class of persons for whose protection the action is brought.*

10 **“SEC. 16. RECRUITMENT OF QUALIFIED PERSONNEL.**

11       “(a) *PURPOSE.—The purpose of this section is to es-*  
12 *tablish an undergraduate training program, which may*  
13 *lead to the baccalaureate degree, to facilitate the recruit-*  
14 *ment of individuals, particularly minority high school stu-*  
15 *dents, with a demonstrated capability to develop skills criti-*  
16 *cal to the mission of the National Security Agency, includ-*  
17 *ing mathematics, computer science, engineering, and for-*  
18 *ign languages.*

19       “(b) *ASSIGNMENT OF CIVILIAN EMPLOYEES.—The Sec-*  
20 *retary of Defense may, in the Secretary’s discretion, assign*  
21 *civilian employees of the National Security Agency as stu-*  
22 *dents at accredited professional, technical, and other insti-*  
23 *tutions of higher learning for training at the undergraduate*  
24 *level in skills critical to effective performance of the mission*  
25 *of the Agency.*

1       “(c) *LIMITATION TO APPROPRIATED FUNDS.*—*The Na-*  
2       *tional Security Agency may pay, directly or by reimburse-*  
3       *ment to employees, expenses incident to assignments under*  
4       *subsection (b), in any fiscal year only to the extent that*  
5       *appropriated funds are available for such purpose.*

6       “(d) *EMPLOYEE AGREEMENT.*—(1) *To be eligible for*  
7       *assignment under subsection (b), an employee of the Agency*  
8       *must agree in writing to the following:*

9               “(A) *To continue in the service of the Agency for*  
10       *the period of the assignment and to complete the edu-*  
11       *cational course of training for which the employee is*  
12       *assigned.*

13              “(B) *To continue in the service of the Agency fol-*  
14       *lowing completion of the assignment for a period of*  
15       *one-and-a-half years for each year of the assignment*  
16       *or part thereof.*

17              “(C) *To reimburse the United States for the total*  
18       *cost of education (excluding the employee’s pay and*  
19       *allowances) provided under this section to the em-*  
20       *ployee if, before the employee’s completing the edu-*  
21       *cational course of training for which the employee is*  
22       *assigned, the assignment or the employee’s employ-*  
23       *ment with the Agency is terminated either by the*  
24       *Agency due to misconduct by the employee or by the*  
25       *employee voluntarily.*

1           “(D) To reimburse the United States if, after  
2           completing the educational course of training for  
3           which the employee is assigned, the employee’s em-  
4           ployment with the Agency is terminated either by the  
5           Agency due to misconduct by the employee or by the  
6           employee voluntarily, before the employee’s completion  
7           of the service obligation period described in subpara-  
8           graph (B), in an amount that bears the same ratio  
9           to the total cost of the education (excluding the em-  
10          ployee’s pay and allowances) provided to the employee  
11          as the unserved portion of the service obligation pe-  
12          riod described in subparagraph (B) bears to the total  
13          period of the service obligation described in subpara-  
14          graph (B).

15          “(2) Subject to paragraph (3), the obligation to reim-  
16          burse the United States under an agreement described in  
17          paragraph (1), including interest due on such obligation,  
18          is for all purposes a debt owing the United States.

19          “(3)(A) A discharge in bankruptcy under title 11,  
20          United States Code, shall not release a person from an obli-  
21          gation to reimburse the United States required under an  
22          agreement described in paragraph (1) if the final decree of  
23          the discharge in bankruptcy is issued within five years after  
24          the last day of the combined period of service obligation  
25          described in subparagraphs (A) and (B) of paragraph (1).

1       “(B) *The Secretary of Defense may release a person,*  
2 *in whole or in part, from the obligation to reimburse the*  
3 *United States under an agreement described in paragraph*  
4 *(1) when, in the Secretary’s discretion, the Secretary deter-*  
5 *mines that equity or the interests of the United States so*  
6 *require.*

7       “(C) *The Secretary of Defense shall permit an em-*  
8 *ployee assigned under this section who, before commencing*  
9 *a second academic year of such assignment, voluntarily ter-*  
10 *minates the assignment or the employee’s employment with*  
11 *the Agency, to satisfy his obligation under an agreement*  
12 *described in paragraph (1) to reimburse the United States*  
13 *by reimbursement according to a schedule of monthly pay-*  
14 *ments which results in completion of reimbursement by a*  
15 *date five years after the date of termination of the assign-*  
16 *ment or employment or earlier at the option of the em-*  
17 *ployee.*

18       “(e) *DISCLOSURE TO EDUCATIONAL INSTITUTION OF*  
19 *AGENCY AFFILIATION OF EMPLOYEE.—(1) When an em-*  
20 *ployee is assigned under this section to an institution, the*  
21 *Agency shall disclose to the institution to which the em-*  
22 *ployee is assigned that the Agency employs the employee*  
23 *and that the Agency funds the employee’s education.*

24       “(2) *Agency efforts to recruit individuals at edu-*  
25 *cational institutions for participation in the undergraduate*

1 *training program established by this section shall be made*  
 2 *openly and according to the common practices of univer-*  
 3 *sities and employers recruiting at such institutions.*

4 “(f) *INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41*  
 5 *of title 5 and subsections (a) and (b) of section 3324 of title*  
 6 *31, United States Code, shall not apply with respect to this*  
 7 *section.*

8 “(g) *REGULATIONS.—The Secretary of Defense may*  
 9 *prescribe such regulations as may be necessary to imple-*  
 10 *ment this section.*

11 **“SEC. 17. AUTHORITY TO PAY CERTAIN EXPENSES FOR EM-**  
 12 **PLOYEES DYING WHILE ON ROTATIONAL**  
 13 **TOUR OF DUTY IN THE UNITED STATES.**

14 “(a) *AUTHORITY.—The Secretary of Defense may pay*  
 15 *the expenses referred to in section 5742(b) of title 5, United*  
 16 *States Code, in the case of any employee of the National*  
 17 *Security Agency who dies while on a rotational tour of duty*  
 18 *within the United States or while in transit to or from such*  
 19 *tour of duty.*

20 “(b) *DEFINITION.—For the purposes of this section, the*  
 21 *term ‘rotational tour of duty’, with respect to an employee,*  
 22 *means a permanent change of station involving the transfer*  
 23 *of the employee from the National Security Agency head-*  
 24 *quarters to another post of duty for a fixed period estab-*  
 25 *lished by regulation to be followed at the end of such period*



1 *by a permanent change of station involving a transfer of*  
 2 *the employee back to such headquarters.”.*

3 **SEC. 602. AMENDMENTS TO TITLE 5, UNITED STATES CODE.**

4 (a) *PAY.*—Section 5314 of title 5, United States Code,  
 5 *is amended by striking out “Deputy Director of Central In-*  
 6 *telligence” and inserting in lieu thereof “Deputy Directors*  
 7 *of Central Intelligence (2)”.*

8 (b) *MERIT SYSTEM PRINCIPLES.*—Section 2305 of title  
 9 5, United States Code, *is amended by striking out “section*  
 10 *102 of the National Security Act of 1947 (61 Stat. 495;*  
 11 *50 U.S.C. 403),” and inserting in lieu thereof “subtitle A*  
 12 *of title I of the Intelligence Community Act,”.*

13 **SEC. 603. REPEAL OF PROVISIONS RECODIFIED IN NEW**  
 14 **ACT.**

15 (a) *FISCAL YEAR 1996 INTELLIGENCE AUTHORIZA-*  
 16 *TION ACT.*—Section 306 of the Intelligence Authorization  
 17 Act for Fiscal Year 1996 (Public Law 104–93; 50 U.S.C.  
 18 435 note; 109 Stat. 966) *is repealed.*

19 (b) *FISCAL YEAR 1995 INTELLIGENCE AUTHORIZA-*  
 20 *TION ACT.*—The following provisions of the Intelligence Au-  
 21 thorization Act for Fiscal Year 1995 (Public Law 103–359)  
 22 *are repealed:*

23 (1) Section 603 (50 U.S.C. 403–3 note; 108 Stat.  
 24 3433).

1           (2) *Section 811 (50 U.S.C. 402a; 108 Stat.*  
2       *3455).*

3           (c) *FISCAL YEAR 1992 INTELLIGENCE AUTHORIZA-*  
4       *TION ACT.—Section 403 of the Intelligence Authorization*  
5       *Act for Fiscal Year 1992 (Public Law 102–183; 50 U.S.C.*  
6       *403–2; 105 Stat. 1267) is repealed.*

7           (d) *NATIONAL SECURITY ACT OF 1947.—Section 109*  
8       *of the National Security Act of 1947 (50 U.S.C. 404d) is*  
9       *repealed.*

10          (e) *FISCAL YEAR 1995 DEFENSE APPROPRIATIONS*  
11       *ACT.—Section 8154 of the Department of Defense Appro-*  
12       *priations Act, 1995 (10 U.S.C. 384 note; 50 U.S.C. 403f*  
13       *note; 108 Stat. 2658) is repealed.*

14          (f) *FISCAL YEAR 1994 DEFENSE APPROPRIATIONS*  
15       *ACT.—Section 8107 of the Department of Defense Appro-*  
16       *priations Act, 1994 (50 U.S.C. 414 note; 107 Stat. 1464)*  
17       *is repealed.*

18       **SEC. 604. NATIONAL SECURITY ACT OF 1947.**

19          (a) *TABLE OF CONTENTS.—The table of contents in the*  
20       *first section of the National Security Act of 1947 is amend-*  
21       *ed—*

22               (1) *by inserting after the item relating to section*  
23       *2 the following new item:*

“Sec. 3. *Definitions.*”;

1           (2) *by striking out the items relating to the head-*  
 2           *ing for title I and sections 101 through 107 and in-*  
 3           *serting in lieu thereof the following:*

“TITLE I—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND  
COMMITTEES

“Sec. 101. National Security Council.  
 “Sec. 102. Committee on Foreign Intelligence.  
 “Sec. 103. Committee on Transnational Threats.  
 “Sec. 104. Board for Low Intensity Conflict.  
 “Sec. 105. National Counterintelligence Policy Board.”;

4           (3) *by striking out the item relating to section*  
 5           *109 and the item following that item (relating to sec-*  
 6           *tion 104); and*

7           (4) *by striking out the items relating to sections*  
 8           *202 through 204, 208 through 214, 301, 302, and 304*  
 9           *through 306.*

10          (b) *FORMAT AMENDMENTS.—Title IX of such Act is*  
 11          *amended—*

12           (1) *in section 904 (50 U.S.C. 441c), by striking*  
 13           *out “required to be imposed by” and all that follows*  
 14           *and inserting in lieu thereof “required to be imposed*  
 15           *by any of the following provisions of law:*

16           “(1) *The Chemical and Biological Weapons Con-*  
 17           *trol and Warfare Elimination Act of 1991 (title III*  
 18           *of Public Law 102–182).*

19           “(2) *The Nuclear Proliferation Prevention Act of*  
 20           *1994 (title VIII of Public Law 103–236).*

1           “(3) *Section 11B of the Export Administration*  
2           *Act of 1979 (50 U.S.C. App. 2410b).*

3           “(4) *Chapter 7 of the Arms Export Control Act*  
4           *(22 U.S.C. 2797 et seq.).*

5           “(5) *The Iran-Iraq Arms Non-Proliferation Act*  
6           *of 1992 (title XVI of Public Law 102–484).*

7           “(6) *The following provisions of annual appro-*  
8           *priations Acts:*

9                   “(A) *Section 573 of the Foreign Operations,*  
10           *Export Financing, and Related Programs Ap-*  
11           *propriations Act, 1994 (Public Law 103–87; 107*  
12           *Stat. 972).*

13                   “(B) *Section 563 of the Foreign Operations,*  
14           *Export Financing, and Related Programs Ap-*  
15           *propriations Act, 1995 (Public Law 103–306;*  
16           *108 Stat. 1649).*

17                   “(C) *Section 552 of the Foreign Operations,*  
18           *Export Financing, and Related Programs Ap-*  
19           *propriations Act, 1996 (Public Law 104–107;*  
20           *110 Stat. 741).*

21           “(7) *Comparable provisions.*”; and

22           (2) *in section 905 (50 U.S.C. 441d), by striking*  
23           *out “on the date which is one year after the date of*  
24           *the enactment of this title” and inserting in lieu*  
25           *thereof “on January 6, 1997”.*

1 **SEC. 605. ABOLITION OF NATIONAL INTELLIGENCE COUN-**  
 2 **CIL.**

3 *The National Intelligence Council is abolished.*

4 **SEC. 606. EFFECTIVE DATE.**

5 *Except as otherwise specifically provided in this Act,*  
 6 *this Act and the amendments made by this Act shall take*  
 7 *effect six months after the date of the enactment of this Act,*  
 8 *except that the President may prescribe an earlier date. Any*  
 9 *such date prescribed by the President shall be published in*  
 10 *the Federal Register.*

11 **SECTION 1. SHORT TITLE.**

12 **This Act may be cited as the “Intelligence**  
 13 **Community Act”.**

14 **SEC. 2. ORGANIZATION OF ACT; TABLE OF CONTENTS.**

15 **(a) ORGANIZATION OF ACT.—This Act is or-**  
 16 **ganized as follows:**

**TITLE I—INTELLIGENCE COMMUNITY GENERALLY**

**Subtitle A—Director of Central Intelligence**  
**Subtitle B—Deputy Directors of Central Intelligence**  
**Subtitle C—The Intelligence Community**  
**Subtitle D—Annual Reports**

**TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT**

**Subtitle A—Intelligence Community Functions**  
**Subtitle B—National Foreign Intelligence Program**  
**Subtitle C—Personnel**  
**Subtitle D—Intelligence Community Administration**

**TITLE III—INTELLIGENCE COMMUNITY AGENCIES**

**Subtitle A—Central Intelligence Agency**  
**Subtitle B—The National Intelligence Evaluation Council**  
**Subtitle C—Future of Intelligence Collection**

**TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY**

Subtitle A—Secretary of Defense  
 Subtitle B—Director of Military Intelligence  
 Subtitle C—National Imagery and Mapping Agency  
 Subtitle D—Civilian Intelligence Personnel Policy

**TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES**

**TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS AND EFFECTIVE DATE**

1       **(b) TABLE OF CONTENTS.—The table of con-**  
 2 **tents for this Act is as follows:**

Sec. 1. Short title.  
 Sec. 2. Organization of Act; table of contents.  
 Sec. 3. Findings and purposes.  
 Sec. 4. Definitions.

**TITLE I—INTELLIGENCE COMMUNITY GENERALLY**

**Subtitle A—Director of Central Intelligence**

Sec. 101. Director of Central Intelligence.  
 Sec. 102. General intelligence responsibilities of the Director.  
 Sec. 103. Preparation of annual budget for National Foreign Intelligence Program.  
 Sec. 104. Foreign intelligence collection.  
 Sec. 105. Protection of sources and methods.  
 Sec. 106. Promotion and evaluation of the usefulness of intelligence to consumers.  
 Sec. 107. Elimination of waste and unnecessary duplication.  
 Sec. 108. Other functions.  
 Sec. 109. Prohibition on law enforcement powers and internal security functions.  
 Sec. 110. Access to intelligence.  
 Sec. 111. Coordination with foreign governments.

**Subtitle B—Deputy Directors of Central Intelligence**

Sec. 121. Deputy Directors of Central Intelligence.  
 Sec. 122. Deputy Director of Central Intelligence.  
 Sec. 123. Deputy Director of Central Intelligence for Community Management.  
 Sec. 124. Civilian and military status of Director of Central Intelligence and Deputies.

**Subtitle C—The Intelligence Community**

Sec. 131. Elements of the Intelligence Community.

**Subtitle D—Annual Reports**

Sec. 141. Annual report on Intelligence Community activities.

## **TITLE II—INTELLIGENCE COMMUNITY MANAGEMENT**

### **Subtitle A—Intelligence Community Functions**

- Sec. 201. Community Management Staff.**
- Sec. 202. Functions of the Community Management Staff.**

### **Subtitle B—National Foreign Intelligence Program**

- Sec. 221. Budgets.**
- Sec. 222. Comptroller functions of Community Management Staff.**
- Sec. 223. Transfer of funds or personnel within the National Foreign Intelligence Program.**
- Sec. 224. Limitation on reprogramming.**

### **Subtitle C—Personnel**

- Sec. 231. Use of personnel.**
- Sec. 232. Authority to terminate employment of certain employees.**
- Sec. 233. Study of an Intelligence Community Reserve and an Infrastructure Support Office.**

### **Subtitle D—Intelligence Community Administration**

- Sec. 251. Secrecy agreements used in intelligence activities.**
- Sec. 252. Coordination of counterintelligence matters with the Federal Bureau of Investigation.**
- Sec. 253. Intelligence Community contracting.**

## **TITLE III—INTELLIGENCE COMMUNITY AGENCIES**

### **Subtitle A—Central Intelligence Agency**

- Sec. 301. Central Intelligence Agency.**
- Sec. 302. Duties of Director of Central Intelligence with regard to the Central Intelligence Agency.**
- Sec. 303. Functions of the Central Intelligence Agency.**
- Sec. 304. Report on human intelligence collection activities.**

### **Subtitle B—The National Intelligence Evaluation Council**

- Sec. 321. National Intelligence Evaluation Council.**
- Sec. 322. Functions of the National Intelligence Evaluation Council.**
- Sec. 323. Staffing of the National Intelligence Evaluation Council.**

### **Subtitle C—Future of Intelligence Collection**

- Sec. 331. Panel on the future of intelligence collection.**

## **TITLE IV—DEPARTMENT OF DEFENSE FUNCTIONS IN THE INTELLIGENCE COMMUNITY**

### **Subtitle A—Secretary of Defense**

- Sec. 401. Overall Secretary of Defense functions.**

- Sec. 402. Requirement that budgets for intelligence components be adequate.
- Sec. 403. Implementation of Director of Central Intelligence policies and resource decisions.
- Sec. 404. Relationship of NFIP activities to tactical intelligence activities.
- Sec. 405. Responsiveness to operational military forces.
- Sec. 406. Elimination of waste and unnecessary duplication.
- Sec. 407. Conduct of Defense intelligence activities.
- Sec. 408. Signals intelligence activities.
- Sec. 409. Imagery collection, processing, and exploitation.
- Sec. 410. Overhead reconnaissance systems.
- Sec. 411. Defense Intelligence Agency.
- Sec. 412. Military departments.
- Sec. 413. Use of elements of Department of Defense.
- Sec. 414. Consultations regarding appointment of certain intelligence officials.

#### **Subtitle B—Director of Military Intelligence**

- Sec. 421. Report on the establishment of a Director of Military Intelligence.

#### **Subtitle C—National Imagery and Mapping Agency**

##### **PART I—ESTABLISHMENT OF AGENCY**

- Sec. 431. Establishment.
- Sec. 432. Missions and authority.
- Sec. 433. Transfers of personnel and assets.
- Sec. 434. Compatibility with authority under the Intelligence Community Act.
- Sec. 435. National mission of National Imagery and Mapping Agency.
- Sec. 436. Creditable civilian service for career conditional employees of the Defense Mapping Agency.
- Sec. 437. Saving provisions.
- Sec. 438. Definitions.

##### **PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATE**

- Sec. 441. Redesignation and repeals.
- Sec. 442. Reference amendments.
- Sec. 443. Headings and clerical amendments.
- Sec. 444. Effective date.

#### **Subtitle D—Civilian Intelligence Personnel Policy**

- Sec. 481. Management of civilian intelligence personnel.
- Sec. 482. Repeal of superseded sections and clerical and conforming amendments.
- Sec. 483. Other personnel management authorities.

### **TITLE V—NATIONAL SECURITY COUNCIL AND RELATED BOARDS AND COMMITTEES**



**Sec. 501. Recodification of laws relating to National Security Council and related boards and committees in Executive Office of the President.**

**TITLE VI—TECHNICAL AND CONFORMING AMENDMENTS  
AND EFFECTIVE DATE**

**Sec. 601. Restatement of National Security Agency Act of 1959.**

**Sec. 602. Amendments to title 5, United States Code.**

**Sec. 603. Repeal of provisions recodified in new Act.**

**Sec. 604. National Security Act of 1947.**

**Sec. 605. Abolition of National Intelligence Council.**

**Sec. 606. Effective date.**

**1 SEC. 3. FINDINGS AND PURPOSES.**

**2 (a) FINDINGS.—The Congress makes the**  
**3 following findings:**

**4 (1) The United States must maintain a**  
**5 strong, capable, and increasingly flexible**  
**6 intelligence capability to collect and ana-**  
**7 lyze information concerning world events**  
**8 that may threaten its security so as to be**  
**9 in a position to anticipate and respond to**  
**10 such events in an effective and timely**  
**11 manner.**

**12 (2) The existing framework for the**  
**13 conduct of United States intelligence ac-**  
**14 tivities, established by the National Secu-**  
**15 rity Act of 1947, has evolved largely with-**  
**16 out changes to the original statutory**  
**17 framework, but rather as a matter of Ex-**  
**18 ecutive order and directive.**

1       **(b) PURPOSES.—The purposes of this Act**  
2 **are—**

3           **(1) to provide a framework for the im-**  
4 **proved management of United States in-**  
5 **telligence activities at all levels and with-**  
6 **in all intelligence disciplines; and**

7           **(2) to provide an institutional struc-**  
8 **ture that will continue to ensure that the**  
9 **Intelligence Community serves the needs**  
10 **of Government consumers in an effective**  
11 **and timely manner.**

12 **SEC. 4. DEFINITIONS.**

13 **For the purposes of this Act:**

14           **(1) INTELLIGENCE.—The term “intel-**  
15 **ligence” includes foreign intelligence and**  
16 **counterintelligence.**

17           **(2) FOREIGN INTELLIGENCE.—The term**  
18 **“foreign intelligence” means information**  
19 **relating to the capabilities, intentions, or**  
20 **activities of foreign governments or ele-**  
21 **ments thereof, foreign organizations, for-**  
22 **eign transnational entities, or foreign**  
23 **persons.**

24           **(3) COUNTERINTELLIGENCE.—The term**  
25 **“counterintelligence” means information**

1 gathered and activities conducted to pro-  
2 tect against espionage, other intelligence  
3 activities, sabotage, or assassinations  
4 conducted by or on behalf of foreign gov-  
5 ernments or elements thereof, foreign or-  
6 ganizations, foreign transnational enti-  
7 ties, or foreign persons, or international  
8 terrorist activities.

9 (4) NATIONAL INTELLIGENCE AND INTEL-  
10 LIGENCE RELATED TO NATIONAL SECURITY.—  
11 The terms “national intelligence” and “in-  
12 telligence related to the national secu-  
13 rity”—

14 (A) each refer to intelligence that  
15 pertains to the interests of the Gov-  
16 ernment generally, rather than to the  
17 interests of a single department or  
18 agency of Government, or to a compo-  
19 nent of such department or agency;

20 (B) do not refer to intelligence  
21 necessary to plan or conduct tactical  
22 military operations by United States  
23 Armed Forces; and

24 (C) do not refer to counterintel-  
25 ligence or law enforcement activities

1           conducted by the Federal Bureau of  
2           Investigation except to the extent  
3           provided for in procedures agreed to  
4           by the Director of Central Intel-  
5           ligence and the Attorney General, or  
6           otherwise as expressly provided for  
7           in this Act.

8           (5) NATIONAL FOREIGN INTELLIGENCE  
9           PROGRAM.—The term “National Foreign  
10          Intelligence Program” refers to all pro-  
11          grams, projects, and activities of the In-  
12          telligence Community that are intended  
13          to produce national intelligence, as well  
14          as any other programs of the Intelligence  
15          Community designated jointly by the Di-  
16          rector of Central Intelligence and the  
17          head of a United States department or  
18          agency or by the President. Such term  
19          does not include programs, projects, or  
20          activities of the military departments to  
21          acquire intelligence solely for the plan-  
22          ning and conduct of tactical military op-  
23          erations by United States Armed Forces.

1           **(6) CONGRESSIONAL INTELLIGENCE COM-**  
2           **MITTEES.—The term “congressional intel-**  
3           **ligence committees” means—**

4                   **(A) the Select Committee on Intel-**  
5                   **ligence of the Senate; and**

6                   **(B) the Permanent Select Commit-**  
7                   **tee on Intelligence of the House of**  
8                   **Representatives.**

9           **TITLE I—INTELLIGENCE**  
10           **COMMUNITY GENERALLY**  
11           **Subtitle A—Director of Central**  
12           **Intelligence**

13   **SEC. 101. DIRECTOR OF CENTRAL INTELLIGENCE.**

14           **(a) DIRECTOR OF CENTRAL INTELLIGENCE.—**  
15           **There is a Director of Central Intelligence.**  
16           **The Director of Central Intelligence is—**

17                   **(1) the principal adviser to the Presi-**  
18                   **dent and the National Security Council**  
19                   **for intelligence matters related to the na-**  
20                   **tional security; and**

21                   **(2) the head of the Intelligence Com-**  
22                   **munity.**

23           **(b) APPOINTMENT.—The Director of**  
24           **Central Intelligence is appointed by the Presi-**

1 dent, by and with the advice and consent of  
2 the Senate.

3 SEC. 102. GENERAL INTELLIGENCE RESPONSIBILITIES OF  
4 THE DIRECTOR.

5 (a) PROVISION OF INTELLIGENCE TO THE  
6 PRESIDENT.—Under the direction of the Na-  
7 tional Security Council, the Director of  
8 Central Intelligence shall be responsible for  
9 providing intelligence to the President.

10 (b) PROVISION OF INTELLIGENCE TO OTH-  
11 ERS.—Under the direction of the National Se-  
12 curity Council, the Director of Central Intel-  
13 ligence shall be responsible for providing in-  
14 telligence—

15 (1) to the heads of departments and  
16 agencies of the executive branch;

17 (2) to the Chairman of the Joint  
18 Chiefs of Staff, to the commanders of the  
19 unified combatant commands, and to  
20 other senior military commanders; and

21 (3) to the Senate and House of Rep-  
22 resentatives and the appropriate commit-  
23 tees thereof.

24 (c) INTELLIGENCE TO BE OBJECTIVE AND  
25 TIMELY.—Intelligence provided by the Direc-

1 tor pursuant to this section should be timely  
2 and objective and shall be provided independ-  
3 ent of political considerations or bias and  
4 based upon all sources available to the Intel-  
5 ligence Community.

6 SEC. 103. PREPARATION OF ANNUAL BUDGET FOR NA-  
7 TIONAL FOREIGN INTELLIGENCE PROGRAM.

8 The Director of Central Intelligence shall  
9 develop (in accordance with subtitle B of title  
10 II) and present to the President an annual  
11 budget for the National Foreign Intelligence  
12 Program of the United States.

13 SEC. 104. FOREIGN INTELLIGENCE COLLECTION.

14 The Director of Central Intelligence shall  
15 establish the requirements and priorities to  
16 govern the collection of national intelligence  
17 by elements of the Intelligence Community  
18 and shall approve collection requirements,  
19 determine collection priorities, and resolve  
20 conflicts in collection priorities levied on na-  
21 tional collection assets, except as otherwise  
22 agreed with the Secretary of Defense pursu-  
23 ant to the direction of the President.

1 SEC. 105. PROTECTION OF SOURCES AND METHODS.

2       **The Director of Central Intelligence shall**  
3 **protect intelligence sources and methods**  
4 **from unauthorized disclosure.**

5 SEC. 106. PROMOTION AND EVALUATION OF THE USEFUL-  
6                   NESS OF INTELLIGENCE TO CONSUMERS.

7       **The Director of Central Intelligence shall**  
8 **promote and evaluate the quality and useful-**  
9 **ness of national intelligence to consumers**  
10 **within the Government.**

11 SEC. 107. ELIMINATION OF WASTE AND UNNECESSARY DU-  
12                   PLICATION.

13       **The Director of Central Intelligence, in**  
14 **cooperation with the heads of the elements of**  
15 **the Intelligence Community shall eliminate**  
16 **waste and unnecessary duplication within the**  
17 **Intelligence Community.**

18 SEC. 108. OTHER FUNCTIONS.

19       **The Director of Central Intelligence shall**  
20 **perform such other functions as the President**  
21 **or the National Security Council may direct.**

22 SEC. 109. PROHIBITION ON LAW ENFORCEMENT POWERS  
23                   AND INTERNAL SECURITY FUNCTIONS.

24       **The Director of Central Intelligence shall**  
25 **have no police, subpoena, or law enforcement**  
26 **powers or internal security functions.**



1 SEC. 110. ACCESS TO INTELLIGENCE.

2       **To the extent recommended by the Na-**  
3 **tional Security Council and approved by the**  
4 **President, the Director of Central Intelligence**  
5 **shall have access to all intelligence related to**  
6 **the national security which is collected by**  
7 **any department, agency, or other entity of the**  
8 **United States.**

9 SEC. 111. COORDINATION WITH FOREIGN GOVERNMENTS.

10       **Under the direction of the National Secu-**  
11 **rity Council and in a manner consistent with**  
12 **section 207 of the Foreign Service Act of 1980**  
13 **(22 U.S.C. 3927), the Director shall coordinate**  
14 **the relationships between elements of the In-**  
15 **telligence Community and the intelligence or**  
16 **security services of foreign governments on**  
17 **all matters involving intelligence related to**  
18 **the national security or involving intelligence**  
19 **acquired through clandestine means.**

20       **Subtitle B—Deputy Directors of**  
21               **Central Intelligence**

22 SEC. 121. DEPUTY DIRECTORS OF CENTRAL INTELLIGENCE.

23       **(a) POSITIONS.—There is a Deputy Director**  
24 **of Central Intelligence, and there is a Deputy**  
25 **Director of Central Intelligence for Commu-**  
26 **nity Management.**

1       **(b) APPOINTMENT.—Each Deputy Director**  
2 **shall be appointed by the President, by and**  
3 **with the advice and consent of the Senate.**

4       **(c) QUALIFICATIONS.—Each Deputy Direc-**  
5 **tor shall have extensive national security ex-**  
6 **perience.**

7 **SEC. 122. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.**

8       **(a) IN GENERAL.—The Deputy Director of**  
9 **Central Intelligence shall act for, and exercise**  
10 **the powers of, the Director of Central Intel-**  
11 **ligence during the Director’s absence or dis-**  
12 **ability or during a vacancy in office of the**  
13 **Director of Central Intelligence.**

14       **(b) PRECEDENCE.—The Deputy Director of**  
15 **Central Intelligence takes precedence imme-**  
16 **diately after the Director of Central Intel-**  
17 **ligence.**

18 **SEC. 123. DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE**

19                   **FOR COMMUNITY MANAGEMENT.**

20       **Subject to the direction of the Director of**  
21 **Central Intelligence, the Deputy Director of**  
22 **Central Intelligence for Community Manage-**  
23 **ment shall be responsible for the following:**

24               **(1) Directing the operations of the**  
25 **Community Management Staff.**

1           **(2) Performing community-wide**  
2           **coordination functions, including the co-**  
3           **ordination of resources and require-**  
4           **ments.**

5           **(3) Coordinating community-wide re-**  
6           **search and development.**

7   **SEC. 124. CIVILIAN AND MILITARY STATUS OF DIRECTOR**  
8           **OF CENTRAL INTELLIGENCE AND DEPUTIES.**

9           **(a) LIMITATION ON ACTIVE DUTY STATUS.—**  
10          **Not more than one individual serving in the**  
11          **following positions may be on active duty in**  
12          **the Armed Forces while serving in that posi-**  
13          **tion:**

14               **(1) The Director of Central Intel-**  
15               **ligence.**

16               **(2) The two Deputy Directors of**  
17               **Central Intelligence.**

18          **(b) APPOINTMENT AND RANK.—An individ-**  
19          **ual serving in a position specified in para-**  
20          **graph (1) or (2) of subsection (a) who is on**  
21          **active duty in the Armed Forces shall be ap-**  
22          **pointed from among the officers of the Armed**  
23          **Forces on the active-duty list. The Director of**  
24          **Central Intelligence may hold the grade of**  
25          **general or admiral while so serving and a**

1 **Deputy Director of Central Intelligence may**  
2 **hold the rank of lieutenant general or vice ad-**  
3 **miral while so serving.**

4 **(c) ROLE AS OFFICER OF ARMED FORCES.—**  
5 **A commissioned officer of the Armed Forces,**  
6 **while serving in a position specified in para-**  
7 **graph (1) or (2) of subsection (a)—**

8 **(1) shall not be subject to supervision**  
9 **or control by the Secretary of Defense or**  
10 **by any officer or employee of the Depart-**  
11 **ment of Defense;**

12 **(2) shall not exercise, by reason of the**  
13 **officer's status as a commissioned officer,**  
14 **any supervision or control with respect**  
15 **to any of the military or civilian person-**  
16 **nel of the Department of Defense except**  
17 **as otherwise authorized by law; and**

18 **(3) shall not be counted against the**  
19 **numbers and percentages of commis-**  
20 **sioned officers of the rank and grade of**  
21 **such officer authorized for the military**  
22 **department of that officer.**

23 **(d) MILITARY BENEFITS.—Except as pro-**  
24 **vided in paragraph (1) or (2) of subsection (c),**  
25 **the appointment of an officer of the Armed**

1 **Forces to a position specified in paragraph (1)**  
2 **or (2) of subsection (a) shall not affect the sta-**  
3 **tus, position, rank, or grade of such officer in**  
4 **the Armed Forces, or any emolument, per-**  
5 **quisite, right, privilege, or benefit incident to**  
6 **or arising out of any such status, position,**  
7 **rank, or grade.**

8 **(e) PAY.—An officer of the Armed Forces**  
9 **appointed to a position specified in para-**  
10 **graph (1) or (2) of subsection (a), while serv-**  
11 **ing in such position, shall continue to receive**  
12 **military pay and allowances payable to a com-**  
13 **missioned officer of that officer's grade and**  
14 **length of service for which the appropriate**  
15 **military department shall be reimbursed from**  
16 **funds available to the Director of Central In-**  
17 **telligence.**

18 **Subtitle C—The Intelligence**  
19 **Community**

20 **SEC. 131. ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

21 **The Intelligence Community of the United**  
22 **States Government consists of the following:**

23 **(1) The Office of the Director of**  
24 **Central Intelligence, which shall include**  
25 **the Offices of the Deputy Directors of**

1       **Central Intelligence and such other of-**  
2       **fices as the Director may designate.**

3           **(2) The Community Management**  
4       **Staff.**

5           **(3) The National Intelligence Evalua-**  
6       **tion Council.**

7           **(4) The Central Intelligence Agency.**

8           **(5) The Defense Intelligence Agency.**

9           **(6) The National Security Agency.**

10          **(7) The National Reconnaissance Of-**  
11       **fice.**

12          **(8) The National Imagery and Map-**  
13       **ping Agency.**

14          **(9) The intelligence elements of the**  
15       **Army, the Navy, the Air Force, the Ma-**  
16       **rine Corps, and the Coast Guard.**

17          **(10) The intelligence elements of the**  
18       **Federal Bureau of Investigation, the De-**  
19       **partment of the Treasury, the Depart-**  
20       **ment of Energy, and the Drug Enforce-**  
21       **ment Administration.**

22          **(11) The Bureau of Intelligence and**  
23       **Research of the Department of State.**

24          **(12) Such other elements of any other**  
25       **department or agency as may be des-**

1        **ignated by the President, or designated**  
2        **jointly by the Director of Central Intel-**  
3        **ligence and the head of the department**  
4        **or agency concerned, as an element of**  
5        **the intelligence community.**

6        **Subtitle D—Annual Reports**

7        **SEC. 141. ANNUAL REPORT ON INTELLIGENCE COMMUNITY**  
8                **ACTIVITIES.**

9        **(a) IN GENERAL.—The Director of Central**  
10       **Intelligence shall submit to Congress an an-**  
11       **nual report on the activities of the Intel-**  
12       **ligence Community. The annual report shall**  
13       **be unclassified.**

14       **(b) MATTERS TO BE COVERED IN ANNUAL RE-**  
15       **PORT.—Each report under this section shall**  
16       **describe—**

17                **(1) the activities of the Intelligence**  
18       **Community during the preceding fiscal**  
19       **year, including significant successes and**  
20       **failures that can be described in an un-**  
21       **classified manner; and**

22                **(2) the areas of the world and the is-**  
23       **ssues that the Director expects will re-**  
24       **quire increased or unusual attention**

1       **from the Intelligence Community during**  
2       **the next fiscal year.**

3       **(c) TIME FOR SUBMISSION.—The report**  
4       **under this section for any year shall be sub-**  
5       **mitted at the same time that the President**  
6       **submits the budget for the next fiscal year**  
7       **pursuant to section 1105 of title 31, United**  
8       **States Code.**

9               **TITLE II—INTELLIGENCE**  
10              **COMMUNITY MANAGEMENT**  
11              **Subtitle A—Intelligence**  
12              **Community Functions**

13   **SEC. 201. COMMUNITY MANAGEMENT STAFF.**

14       **There is a Community Management Staff.**

15   **SEC. 202. FUNCTIONS OF THE COMMUNITY MANAGEMENT**  
16              **STAFF.**

17       **The Deputy Director of Central Intel-**  
18       **ligence for Community Management, acting**  
19       **through the Community Management Staff,**  
20       **shall provide direction for the following Intel-**  
21       **ligence Community-wide functions:**

22              **(1) Requirements and collection man-**  
23       **agement.**



1           **(2) Planning, programming, budget-**  
2           **ing, and accounting for the National For-**  
3           **ign Intelligence Program.**

4           **(3) Research and development activi-**  
5           **ties.**

6           **(4) Identification and review of intel-**  
7           **ligence gaps and shortfalls.**

8           **Subtitle B—National Foreign**  
9           **Intelligence Program**

10   **SEC. 221. BUDGETS.**

11       **(a) PREPARATION.—The Deputy Director of**  
12       **Central Intelligence for Community Manage-**  
13       **ment shall provide guidance to elements of**  
14       **the intelligence community for the prepara-**  
15       **tion of their annual budgets for the National**  
16       **Foreign Intelligence Program.**

17       **(b) APPROVAL OF BUDGETS.—The Director**  
18       **of Central Intelligence shall approve the**  
19       **budgets prepared under subsection (a) before**  
20       **their incorporation in the National Foreign**  
21       **Intelligence Program.**

22       **(c) ACCOUNTING.—The Director of Central**  
23       **Intelligence, acting through the Deputy Direc-**  
24       **tor of Central Intelligence for Community**  
25       **Management, shall budget and account for**

1 National Foreign Intelligence Program finan-  
2 cial resources on a community-wide basis by  
3 the functional categories of collection, proc-  
4 essing, exploitation, analysis, dissemination,  
5 and infrastructure.

6 (d) IDENTIFICATION OF CONSTITUENT COM-  
7 PONENTS OF BASE INTELLIGENCE BUDGET.—The  
8 Director of Central Intelligence shall include  
9 in the congressional budget justification ma-  
10 terials provided to the congressional intel-  
11 ligence committees in connection with the an-  
12 nual submission of the National Foreign Intel-  
13 ligence Program for a fiscal year the same  
14 level of budgetary detail for that part of the  
15 National Foreign Intelligence Program budg-  
16 et identified as the Base Budget that is pro-  
17 vided for that part of such budget identified  
18 as Ongoing Initiatives and New Initiatives.

19 SEC. 222. COMPTROLLER FUNCTIONS OF COMMUNITY MAN-  
20 AGEMENT STAFF.

21 (a) EXECUTION REVIEW.—The Community  
22 Management Staff shall perform budget exe-  
23 cution review of National Foreign Intel-  
24 ligence Program elements of the Intelligence  
25 Community and shall have the authority to

1 recommend to the comptroller of the agency  
2 involved that authorized and appropriated in-  
3 telligence funds be withheld in those in-  
4 stances in which elements of the Intelligence  
5 Community within the agency involved are  
6 not complying with guidance from the Direc-  
7 tor of Central Intelligence or applicable law.

8       (b) ACCOUNTING SYSTEM.—The Deputy Di-  
9 rector of Central Intelligence for Community  
10 Management shall establish and maintain an  
11 Intelligence Community-wide automated sys-  
12 tem for programming, budgeting, accounting,  
13 and execution review of the National Foreign  
14 Intelligence Program.

15 SEC. 223. TRANSFER OF FUNDS OR PERSONNEL WITHIN  
16               THE NATIONAL FOREIGN INTELLIGENCE  
17               PROGRAM.

18       (a) GENERAL AUTHORITY.—In addition to  
19 any other authorities available under law for  
20 such purposes, the Director of Central Intel-  
21 ligence, with the approval of the Director of  
22 the Office of Management and Budget, may  
23 transfer funds appropriated for a program  
24 within the National Foreign Intelligence Pro-  
25 gram to another such program and, in accord-

1   ance with procedures to be developed by the  
2   Director and the heads of affected depart-  
3   ments and agencies, may transfer personnel  
4   authorized for an element of the Intelligence  
5   Community to another such element for peri-  
6   ods up to a year.

7       (b) **CONDITIONS.**—A transfer of funds or  
8   personnel may be made under this section  
9   only if—

10           (1) the funds or personnel are being  
11       transferred to an activity that is a higher  
12       priority intelligence activity;

13           (2) the need for funds or personnel  
14       for such activity is based on unforeseen  
15       requirements;

16           (3) the transfer does not involve a  
17       transfer of funds to the Reserve for Con-  
18       tingencies of the Director of Central In-  
19       telligence;

20           (4) the transfer does not involve a  
21       transfer of funds or personnel from the  
22       Federal Bureau of Investigation; and

23           (5) the Secretary or head of the de-  
24       partment which contains the affected ele-

1       ment or elements of the intelligence com-  
2       munity does not object to such transfer.

3       **(c) AVAILABILITY OF TRANSFERRED FUNDS.—**  
4       **Funds transferred under this section shall re-**  
5       **main available for the same period as the ap-**  
6       **propriations account to which such funds are**  
7       **transferred.**

8       **(d) NOTIFICATION OF CONGRESS.—Any**  
9       **transfer of funds under this section shall be**  
10      **carried out in accordance with existing proce-**  
11      **dures applicable to reprogramming notifica-**  
12      **tions for the appropriate congressional com-**  
13      **mittees. Any proposed transfer for which no-**  
14      **tice is given to the appropriate congressional**  
15      **committees shall be accompanied by a report**  
16      **explaining the nature of the proposed trans-**  
17      **fer and how it satisfies the requirements of**  
18      **this subsection. In addition, the congressional**  
19      **intelligence committees shall be promptly no-**  
20      **tified of any transfer of funds made pursuant**  
21      **to this subsection in any case in which the**  
22      **transfer would not have otherwise required**  
23      **reprogramming notification under proce-**  
24      **dures in effect as of October 24, 1992.**

1       **(e) REPORT ON PERSONNEL TRANSFERS.—**

2       **The Director shall promptly submit to the**  
3       **congressional intelligence committees and, in**  
4       **the case of the transfer of personnel to or**  
5       **from the Department of Defense, the Commit-**  
6       **tee on Armed Services of the Senate and the**  
7       **Committee on National Security of the House**  
8       **of Representatives, a report on any transfer**  
9       **of personnel made pursuant to this section.**  
10       **The Director shall include in any such report**  
11       **an explanation of the nature of the transfer**  
12       **and how it satisfies the requirements of this**  
13       **subsection.**

14       **SEC. 224. LIMITATION ON REPROGRAMMING.**

15       **No funds made available under the Na-**  
16       **tional Foreign Intelligence Program may be**  
17       **reprogrammed by any element of the Intel-**  
18       **ligence Community without the prior ap-**  
19       **proval of the Director of Central Intelligence**  
20       **except in accordance with procedures issued**  
21       **by the Director.**

22               **Subtitle C—Personnel**

23       **SEC. 231. USE OF PERSONNEL.**

24       **The Director of Central Intelligence shall,**  
25       **in coordination with the heads of depart-**

1 ments and agencies with elements in the In-  
2 telligence Community, and subject to the con-  
3 currence of the Secretary of Defense when  
4 employees of the Department of Defense are  
5 affected, institute policies and programs with-  
6 in the Intelligence Community—

7           (1) to provide for the rotation of per-  
8 sonnel between the elements of the Intel-  
9 ligence Community, where appropriate,  
10 and to make such rotated service a factor  
11 to be considered for promotion to senior  
12 positions;

13           (2) to consolidate, wherever possible,  
14 personnel, administrative, and security  
15 programs to reduce the overall costs of  
16 these activities within the Intelligence  
17 Community;

18           (3) to ensure the maintenance of ef-  
19 fective performance evaluation systems  
20 with common standards throughout the  
21 national Intelligence Community; and

22           (4) to develop a community-wide ca-  
23 reer development program that empha-  
24 sizes corporate management skills.

1 SEC. 232. AUTHORITY TO TERMINATE EMPLOYMENT OF  
2 CERTAIN EMPLOYEES.

3 (a) IN GENERAL.—The Director of Central  
4 Intelligence may, in the Director's discretion,  
5 terminate the employment of any officer or  
6 employee of the Central Intelligence Agency  
7 whenever the Director considers such termi-  
8 nation to be necessary or advisable in the in-  
9 terests of the United States. In the case of an  
10 officer or employee who is assigned or de-  
11 tailed to the Community Management Staff  
12 from a department or agency other than the  
13 Central Intelligence Agency, the Director  
14 may, in the Director's discretion, discontinue  
15 the assignment or detail of such officer or em-  
16 ployee to the Community Management Staff  
17 and may recommend to the head of such de-  
18 partment or agency that the employment of  
19 such officer or employee be terminated.

20 (b) OTHER EMPLOYMENT IN THE GOVERN-  
21 MENT.—Any such termination does not affect  
22 the right of the individual whose employment  
23 is so terminated to seek or accept employ-  
24 ment in any other department or agency of  
25 the Government if declared eligible for such



1 employment by the Office of Personnel Man-  
2 agement.

3 SEC. 233. STUDY OF AN INTELLIGENCE COMMUNITY RE-  
4 SERVE AND AN INFRASTRUCTURE SUPPORT  
5 OFFICE.

6 (a) STUDY.—The Director of Central Intel-  
7 ligence, in consultation with appropriate  
8 agency heads, shall study the feasibility of es-  
9 tablishing an Intelligence Community Re-  
10 serve and an Infrastructure Support Office.

11 (b) MATTERS TO BE INCLUDED IN STUDY  
12 WITH RESPECT TO INTELLIGENCE COMMUNITY  
13 RESERVE.—The study under this section shall  
14 address the following matters with respect to  
15 establishment of an Intelligence Community  
16 Reserve:

17 (1) The criteria for membership of the  
18 Reserve, especially among former and re-  
19 tired employees of elements of the Intel-  
20 ligence Community.

21 (2) Monetary incentives that would be  
22 appropriate or necessary to attract indi-  
23 viduals to become members of the Re-  
24 serve.

1           **(3) Programs and authorities that**  
2           **would be required in order to provide**  
3           **training and support for members of the**  
4           **Reserve.**

5           **(4) Whether service agreements**  
6           **should be offered or required for mem-**  
7           **bers of the Reserve or as a condition of**  
8           **providing training to a member of the Re-**  
9           **serve.**

10          **(5) Any changes in law that may be**  
11          **required in order to implement the Re-**  
12          **serve.**

13          **(c) MATTERS TO BE INCLUDED IN STUDY**  
14          **WITH RESPECT TO INTELLIGENCE COMMUNITY**  
15          **RESERVE.—The study under this section shall**  
16          **address the following matters with respect to**  
17          **establishment of an Infrastructure Support**  
18          **Office to be responsible for administrative**  
19          **and logistical functions relating to infrastruc-**  
20          **ture and services of common concern to ele-**  
21          **ments of the Intelligence Community:**

22               **(1) Personnel management.**

23               **(2) Security.**

24               **(3) Community-level training.**

25               **(4) Communications.**

1           **(5) Automation.**

2           **(6) Such additional functions as the**  
3       **Director considers appropriate.**

4                   **Subtitle D—Intelligence**  
5                   **Community Administration**

6       **SEC. 251. SECRECY AGREEMENTS USED IN INTELLIGENCE**  
7                   **ACTIVITIES.**

8       **Notwithstanding any other provision of**  
9       **law not specifically referencing this section, a**  
10      **nondisclosure policy form or agreement that**  
11      **is to be executed by a person connected with**  
12      **the conduct of an intelligence or intelligence-**  
13      **related activity, other than an employee or of-**  
14      **ficer of the United States Government, may**  
15      **contain provisions appropriate to the particu-**  
16      **lar activity for which such document is to be**  
17      **used. Such form or agreement shall, at a mini-**  
18      **mum—**

19           **(1) require that the person will not**  
20      **disclose any classified information re-**  
21      **ceived in the course of such activity un-**  
22      **less specifically authorized to do so by**  
23      **the United States Government; and**

24           **(2) provide that the form or agree-**  
25      **ment does not bar—**

- 1           **(A) disclosures to Congress; or**  
2           **(B) disclosures to an authorized**  
3           **official of an executive agency that**  
4           **are considered essential to reporting**  
5           **a violation of United States law.**

6 **SEC. 252. COORDINATION OF COUNTERINTELLIGENCE**  
7           **MATTERS WITH THE FEDERAL BUREAU OF**  
8           **INVESTIGATION.**

9       **(a) COORDINATION BY OTHER AGENCIES**  
10 **WITH FBI.—(1) The head of each department**  
11 **or agency within the executive branch shall**  
12 **ensure that the Director of the Federal Bu-**  
13 **reau of Investigation is informed immediately**  
14 **of any information, regardless of its origin,**  
15 **which indicates that classified information is**  
16 **being, or may have been, disclosed in an un-**  
17 **authorized manner to a foreign power or an**  
18 **agent of a foreign power.**

19       **(2) Following the making of a report**  
20 **under paragraph (1), the head of the depart-**  
21 **ment or agency making the report shall en-**  
22 **sure that the Director of the Federal Bureau**  
23 **of Investigation is consulted with respect to**  
24 **all subsequent actions that may be under-**  
25 **taken by the department or agency to deter-**

1 mine the source of such unauthorized disclo-  
2 sure.

3 (3) When, after appropriate consultation  
4 with the head of the department or agency  
5 concerned, the Director of the Federal Bureau  
6 of Investigation undertakes investigative ac-  
7 tivities to determine the source of the unau-  
8 thorized disclosure, the head of the depart-  
9 ment or agency concerned shall ensure that  
10 the Director is given complete and timely ac-  
11 cess to the employees and records of that de-  
12 partment or agency for purposes of such in-  
13 vestigative activities.

14 (b) COORDINATION BY FBI WITH OTHER  
15 AGENCIES.—(1) The Director of the Federal Bu-  
16 reau of Investigation shall ensure that when  
17 the Bureau obtains espionage information  
18 pertaining to the personnel, operations, or in-  
19 formation of another department or agency of  
20 the executive branch, such information is pro-  
21 vided through appropriate channels to the  
22 head of that department or agency.

23 (2) The Director shall ensure that when  
24 the Bureau undertakes an espionage inves-  
25 tigation which involves the personnel, oper-

1 ations, or information of another department  
2 or agency of the executive branch after a re-  
3 port is provided pursuant to subsection (a)(1),  
4 the head of that department or agency is con-  
5 sulted with respect to that investigation.

6 (c) **PRESIDENTIAL WAIVER AUTHORITY.—(1)**  
7 **When essential to meet extraordinary cir-**  
8 **cumstances affecting vital national security**  
9 **interests of the United States as determined**  
10 **by the President, the President may, on a**  
11 **case-by-case basis, waive the requirements of**  
12 **subsection (a) or (b), as they apply to the head**  
13 **of a particular department or agency or to the**  
14 **Director of the Federal Bureau of Investiga-**  
15 **tion.**

16 (2) **Such a waiver shall be in writing and**  
17 **shall fully state the justification for the waiv-**  
18 **er.**

19 (3) **Within 30 days after issuing such a**  
20 **waiver, the President shall notify the congres-**  
21 **sional intelligence committees that the waiver**  
22 **has been issued and, at that time or as soon**  
23 **thereafter as national security considerations**  
24 **permit, shall provide those committees with a**

1 complete explanation of the circumstances  
2 which necessitated the waiver.

3 (d) ANNUAL REPORT.—The Director of the  
4 Federal Bureau of Investigation shall, not  
5 later than February 1 of each year, submit to  
6 the congressional intelligence committees  
7 and, in accordance with applicable security  
8 procedures, the Committees on the Judiciary  
9 of the Senate and House of Representatives a  
10 report with respect to compliance with sub-  
11 sections (a) and (b) during the previous cal-  
12 endar year. Each such report shall be pre-  
13 pared in consultation with the Director of  
14 Central Intelligence and the Secretary of De-  
15 fense.

16 (e) RELATIONSHIP TO DEPARTMENT OF DE-  
17 FENSE AUTHORITY OVER PERSONS SUBJECT TO  
18 UCMJ.—Nothing in this section may be con-  
19 strued to—

20 (1) alter the jurisdictional arrange-  
21 ments in effect as of October 14, 1994, be-  
22 tween the Federal Bureau of Investiga-  
23 tion and the Department of Defense with  
24 respect to investigations of persons sub-  
25 ject to the Uniform Code of Military Jus-

1        **tice (chapter 47 of title 10, United States**  
2        **Code); or**

3            **(2) impose reporting requirements**  
4        **upon the Department of Defense with re-**  
5        **spect to such investigations beyond those**  
6        **required by law and executive branch**  
7        **policy as of October 14, 1994.**

8        **(f) DEFINITIONS.—As used in this section,**  
9        **the terms “foreign power” and “agent of a for-**  
10       **ign power” have the meanings set forth in**  
11       **sections 101(a) and 101(b), respectively, of the**  
12       **Foreign Intelligence Surveillance Act of 1978**  
13       **(50 U.S.C. 1801).**

14       **SEC. 253. INTELLIGENCE COMMUNITY CONTRACTING.**

15       **The Director of Central Intelligence shall**  
16       **direct that elements of the Intelligence Com-**  
17       **munity, whenever compatible with the na-**  
18       **tional security interests of the United States**  
19       **and consistent with the operational and secu-**  
20       **rity concerns related to the conduct of intel-**  
21       **ligence activities, and where fiscally sound,**  
22       **shall award contracts in a manner that would**  
23       **maximize the procurement of products in the**  
24       **United States.**



1           **TITLE III—INTELLIGENCE**  
2           **COMMUNITY AGENCIES**  
3       **Subtitle A—Central Intelligence**  
4           **Agency**

5   SEC. 301. CENTRAL INTELLIGENCE AGENCY.

6       **There is a Central Intelligence Agency.**  
7   **The Central Intelligence Agency is the prin-**  
8   **cipal all-source national intelligence analyt-**  
9   **ical agency. The Director of Central Intel-**  
10   **ligence is the head of the Central Intelligence**  
11   **Agency.**

12   SEC. 302. DUTIES OF DIRECTOR OF CENTRAL INTEL-  
13                   LIGENCE WITH REGARD TO THE CENTRAL IN-  
14                   TELLIGENCE AGENCY.

15       **The Director of Central Intelligence, as**  
16   **head of the Central Intelligence Agency,**  
17   **shall—**

- 18           (1) **correlate and evaluate intelligence**  
19       **related to the national security;**  
20           (2) **provide appropriate dissemination**  
21       **of such intelligence; and**  
22           (3) **coordinate human intelligence ac-**  
23       **tivities within the Intelligence Commu-**  
24       **nity.**

1 SEC. 303. FUNCTIONS OF THE CENTRAL INTELLIGENCE  
2 AGENCY.

3 The Director of Central Intelligence, as  
4 head of the Central Intelligence Agency, shall  
5 perform the following functions:

6 (1) ANALYSIS AND PRODUCTION.—

7 (A) Correlating and evaluating in-  
8 telligence related to national security  
9 collected from all sources available  
10 throughout the Intelligence Commu-  
11 nity and facilitating appropriate dis-  
12 semination of such intelligence.

13 (B) Coordinating analyses con-  
14 ducted by the elements of the Intel-  
15 ligence Community and establishing  
16 procedures for collaborative all-  
17 source analysis.

18 (C) Producing national intel-  
19 ligence estimates.

20 (D) Coordinating the acquisition  
21 and incorporation of all-source intel-  
22 ligence into the community all-source  
23 analytical process.

24 (2) COLLECTION OF INTELLIGENCE  
25 THROUGH HUMAN SOURCES.—

1           **(A) Collecting national intel-**  
2           **ligence clandestinely through human**  
3           **sources and by other appropriate**  
4           **means.**

5           **(B) Ensuring that the most effec-**  
6           **tive use is made of resources author-**  
7           **ized for the purposes of subpara-**  
8           **graph (A) and minimizing the risks to**  
9           **the United States inherent in clandes-**  
10          **tine collection operations.**

11          **(C) Performing such other func-**  
12          **tions as the Director of Central Intel-**  
13          **ligence may direct.**

14   **SEC. 304. REPORT ON HUMAN INTELLIGENCE COLLECTION**  
15           **ACTIVITIES.**

16          **Not later than 90 days after the date of the**  
17   **enactment of this Act, the Director of Central**  
18   **Intelligence and the Deputy Secretary of De-**  
19   **fense shall jointly submit to the Committee on**  
20   **Armed Services and the Select Committee on**  
21   **Intelligence of the Senate and the Committee**  
22   **on National Security and the Permanent Se-**  
23   **lect Committee on Intelligence of the House of**  
24   **Representatives a report on the ongoing ef-**  
25   **forts of those officials to achieve commonal-**

1 ity, interoperability, and, where practicable,  
2 consolidation of the collection of clandestine  
3 intelligence from human sources conducted  
4 by the Defense Human Intelligence Service of  
5 the Department of Defense and the Direc-  
6 torate of Operations of the Central Intel-  
7 ligence Agency.

8           **Subtitle B—The National**  
9           **Intelligence Evaluation Council**

10 SEC. 321. NATIONAL INTELLIGENCE EVALUATION COUNCIL.

11           **(a) ESTABLISHMENT.**—There is within the  
12 Intelligence Community the National Intel-  
13 ligence Evaluation Council.

14           **(b) MEMBERS.**—The National Intelligence  
15 Evaluation Council shall be composed of sen-  
16 ior analysts within the Intelligence Commu-  
17 nity and may include substantive experts  
18 from the public and private sector. Members  
19 of the Council shall be appointed by, report  
20 to, and serve at the pleasure of, the Director  
21 of Central Intelligence. Such appointments  
22 shall be made in consultation with the Sec-  
23 retary of Defense. The Director of Central In-  
24 telligence shall appoint the head of the Coun-  
25 cil from among its members, who shall report

1 directly to the Director of Central Intel-  
2 ligence.

3 (c) SECURITY REQUIREMENTS.—The Direc-  
4 tor of Central Intelligence shall prescribe ap-  
5 propriate security requirements for person-  
6 nel appointed from the private sector as a  
7 condition of service on the Council to ensure  
8 the protection of intelligence sources and  
9 methods while avoiding, wherever possible,  
10 unduly intrusive requirements which the Di-  
11 rector considers to be unnecessary for this  
12 purpose.

13 SEC. 322. FUNCTIONS OF THE NATIONAL INTELLIGENCE  
14 EVALUATION COUNCIL.

15 The National Intelligence Evaluation  
16 Council shall evaluate Intelligence Commu-  
17 nity-wide collection and production of intel-  
18 ligence, as well as the requirements and re-  
19 sources for such collection and production.  
20 Such evaluation shall be performed in con-  
21 sultation with both Deputy Directors of  
22 Central Intelligence and with the Deputy Sec-  
23 retary of Defense.

1 SEC. 323. STAFFING OF THE NATIONAL INTELLIGENCE  
2 EVALUATION COUNCIL.

3 The Director of Central Intelligence shall  
4 make available to the National Intelligence  
5 Evaluation Council such staff as may be nec-  
6 essary to permit the Council to carry out its  
7 responsibilities under this subtitle and shall  
8 take appropriate measures to ensure that the  
9 Council and its staff satisfy the needs of pol-  
10 icymaking officials and other consumers of in-  
11 telligence.

12 Subtitle C—Future of Intelligence  
13 Collection

14 SEC. 331. PANEL ON THE FUTURE OF INTELLIGENCE COL-  
15 LECTION.

16 (a) STUDY.—The Director of Central Intel-  
17 ligence and the Secretary of Defense shall  
18 jointly conduct a study on the future of intel-  
19 ligence collection, in terms of managing col-  
20 lection resources in a more consolidated, syn-  
21 ergistic manner. The study is not limited to,  
22 but should include specific examination of the  
23 following:

24 (1) Implementation of the National  
25 Imagery and Mapping Agency, including  
26 an evaluation of its effectiveness and pos-

1       sible synergies that could be gained by  
2       assessing the potential consolidation of  
3       other collection activities. These other  
4       collection activities should include—

5               (A) signals intelligence (SIGINT)  
6               and measurement and signatures in-  
7               telligence (MASINT);

8               (B) first-phase (or initial) exploi-  
9               tation of the results of such collec-  
10              tion;

11              (C) dissemination of such collec-  
12              tion in a timely manner; and

13              (D) development of processing  
14              and exploitation technologies to sup-  
15              port these functions.

16       (2) The joint study should include an  
17       evaluation of the feasibility and efficacy  
18       of consolidating the following functions,  
19       which should include—

20              (A) the specification of technical  
21              requirements for such reconnais-  
22              sance systems as may be needed to  
23              meet the signals intelligence, imagery  
24              intelligence, and measurement and  
25              signatures intelligence collection re-

1           **quirements of the Intelligence Com-**  
2           **munity;**

3           **(B) the operation and final dis-**  
4           **position of such systems;**

5           **(C) the conduct of research, de-**  
6           **velopment, test, and evaluation, for**  
7           **procurement, and for launch of sat-**  
8           **ellite reconnaissance systems that**  
9           **may be required to satisfy the intel-**  
10          **ligence collection requirements of the**  
11          **Intelligence Community; and**

12          **(D) the conduct of research, de-**  
13          **velopment, test, evaluation and for**  
14          **procurement of reconnaissance, sur-**  
15          **veillance, and sensor systems, includ-**  
16          **ing airborne and maritime reconnais-**  
17          **sance capabilities within the National**  
18          **Foreign Intelligence Program and the**  
19          **Joint Military Intelligence Program.**

20          **(b) CRITERIA.—The study under subsection**

21          **(a) shall—**

22               **(1) take into account current and fu-**  
23               **ture technological capabilities and intel-**  
24               **ligence requirements;**



1           (2) take into account the costs and  
2           benefits associated with possible addi-  
3           tional consolidations as well as the costs  
4           and benefits of maintaining the current  
5           system; and

6           (3) examine such possible consolida-  
7           tions both on their individual merits and  
8           also with a view toward having such  
9           agencies co-exist as an entire new organi-  
10          zational structure.

11        **(c) PANEL MEMBERS.—**

12           (1) **SELECTION.—**The Director of  
13           Central Intelligence and the Secretary of  
14           Defense, jointly, shall select individuals  
15           for membership on a panel to conduct the  
16           study under subsection (a) who are—

17                   (A) current and former members  
18                   of the Intelligence Community and  
19                   senior policy makers who are knowl-  
20                   edgeable about a diverse range of in-  
21                   telligence requirements; and

22                   (B) such other public or private  
23                   individuals as the Director and the  
24                   Secretary deem appropriate.

1           **(2) BALANCE.—**Membership on the  
2           panel shall be balanced in terms of tech-  
3           nical and operational knowledge and  
4           views so as to ensure the objectivity of  
5           the panel's report.

6           **(3) DIRECTOR.—**The Director of  
7           Central Intelligence, in consultation with  
8           the Secretary of Defense, shall appoint a  
9           director of the panel from among its  
10          members. The director of the panel may  
11          create such sub-panels as the director  
12          deems appropriate.

13          **(d) REPORT.—**No later than April 15, 1997,  
14          the panel shall submit a report of the study  
15          to the Director of Central Intelligence and the  
16          Secretary of Defense, who shall forward the  
17          report to the President, the congressional in-  
18          telligence committees, the Committee on  
19          Armed Services of the Senate, and the Com-  
20          mittee on National Security of the House of  
21          Representatives.

1 **TITLE IV—DEPARTMENT OF DE-**  
2 **FENSE FUNCTIONS IN THE IN-**  
3 **TELLIGENCE COMMUNITY**

4 **Subtitle A—Secretary of Defense**

5 **SEC. 401. OVERALL SECRETARY OF DEFENSE FUNCTIONS.**

6 **The Secretary of Defense shall perform**  
7 **such intelligence functions as may be directed**  
8 **by the President by Executive order or other-**  
9 **wise.**

10 **SEC. 402. REQUIREMENT THAT BUDGETS FOR INTEL-**  
11 **LIGENCE COMPONENTS BE ADEQUATE.**

12 **The Secretary of Defense shall ensure that**  
13 **the budgets of the elements of the Intelligence**  
14 **Community within the Department of Defense**  
15 **for any fiscal year are adequate to satisfy the**  
16 **overall intelligence needs of the Department**  
17 **of Defense, including—**

18 **(1) the needs of the chairman of the**  
19 **Joint Chiefs of Staff;**

20 **(2) the needs of the commanders of**  
21 **the unified and specified commands; and**

22 **(3) wherever such elements are per-**  
23 **forming Government-wide functions, the**  
24 **needs of other departments and agencies,**  
25 **as appropriate.**

1 SEC. 403. IMPLEMENTATION OF DIRECTOR OF CENTRAL IN-  
2 TELLIGENCE POLICIES AND RESOURCE DECI-  
3 SIONS.

4       **The Secretary of Defense shall ensure ap-  
5 propriate implementation of the policies and  
6 resource decisions of the Director of Central  
7 Intelligence by elements of the Department of  
8 Defense within the National Foreign Intel-  
9 ligence Program.**

10 SEC. 404. RELATIONSHIP OF NFIP ACTIVITIES TO TACTICAL  
11 INTELLIGENCE ACTIVITIES.

12       **The Secretary of Defense shall ensure that  
13 the tactical intelligence activities of the De-  
14 partment of Defense complement, and are  
15 compatible with, intelligence activities under  
16 the National Foreign Intelligence Program.**

17 SEC. 405. RESPONSIVENESS TO OPERATIONAL MILITARY  
18 FORCES.

19       **The Secretary of Defense shall ensure that  
20 the elements of the Intelligence Community  
21 within the Department of Defense are respon-  
22 sive and timely with respect to satisfying the  
23 needs of operational military forces.**

1 SEC. 406. ELIMINATION OF WASTE AND UNNECESSARY DU-  
2 PLICATION.

3       **The Secretary of Defense shall eliminate**  
4 **waste and unnecessary duplication among the**  
5 **intelligence activities of the Department of**  
6 **Defense.**

7 SEC. 407. CONDUCT OF DEFENSE INTELLIGENCE ACTIVI-  
8 TIES.

9       **The Secretary of Defense shall ensure**  
10 **that, when appropriate, intelligence activities**  
11 **of the Department of Defense are conducted**  
12 **(1) jointly, and (2) cooperatively with ele-**  
13 **ments of the Intelligence Community outside**  
14 **the Department of Defense.**

15 SEC. 408. SIGNALS INTELLIGENCE ACTIVITIES.

16       **The Secretary of Defense shall ensure**  
17 **through the National Security Agency (except**  
18 **as otherwise directed by the President or the**  
19 **National Security Council), the continued op-**  
20 **eration of an effective unified organization**  
21 **for the conduct of signals intelligence activi-**  
22 **ties and shall ensure that the product is dis-**  
23 **seminated in a timely manner to authorized**  
24 **recipients.**

1 SEC. 409. IMAGERY COLLECTION, PROCESSING, AND EX-  
2 PLOITATION.

3 The Secretary of Defense shall ensure  
4 through the Central Imagery Office (except as  
5 otherwise directed by the President or the  
6 National Security Council), with appropriate  
7 representation from the Intelligence Commu-  
8 nity, the continued operation of an effective  
9 unified organization within the Department  
10 of Defense for carrying out tasking of imagery  
11 collection, for the coordination of imagery  
12 processing and exploitation activities, and for  
13 ensuring the dissemination of imagery in a  
14 timely manner to authorized recipients.

15 SEC. 410. OVERHEAD RECONNAISSANCE SYSTEMS.

16 The Secretary of Defense shall ensure  
17 through the National Reconnaissance Office  
18 (except as otherwise directed by the Presi-  
19 dent or the National Security Council), the  
20 continued operation of an effective unified or-  
21 ganization for the research and development,  
22 acquisition, and operation of overhead recon-  
23 naissance systems necessary to satisfy the re-  
24 quirements of all elements of the Intelligence  
25 Community.

1 SEC. 411. DEFENSE INTELLIGENCE AGENCY.

2       **The Secretary of Defense shall ensure—**

3           (1) through the Defense Intelligence  
4       Agency (except as otherwise directed by  
5       the President or the National Security  
6       Council), the continued operation of an  
7       effective unified system within the De-  
8       partment of Defense for the production of  
9       timely, objective military and military-re-  
10      lated intelligence, based upon all sources  
11      available to the intelligence community,  
12      and shall ensure the appropriate dissemi-  
13      nation of such intelligence to authorized  
14      recipients; and

15          (2) through the Defense Intelligence  
16      Agency (except as otherwise directed by  
17      the President or the National Security  
18      Council), effective management of De-  
19      partment of Defense human intelligence  
20      activities, including defense attaches; and

21 SEC. 412. MILITARY DEPARTMENTS.

22       **The Secretary of Defense shall ensure that**  
23      **the military departments maintain sufficient**  
24      **capabilities to collect and produce intel-**  
25      **ligence to meet—**

1           **(1) the requirements of the Director**  
2           **of Central Intelligence;**

3           **(2) the requirements of the Secretary**  
4           **of Defense or the Chairman of the Joint**  
5           **Chiefs of Staff;**

6           **(3) the requirements of the unified**  
7           **and specified combatant commands and**  
8           **of joint operations; and**

9           **(4) the specialized requirements of**  
10          **the military departments for intelligence**  
11          **necessary to support tactical command-**  
12          **ers, military planners, the research and**  
13          **development process, the acquisition of**  
14          **military equipment, and training and**  
15          **doctrine.**

16 **SEC. 413. USE OF ELEMENTS OF DEPARTMENT OF DE-**  
17               **FENSE.**

18          **The Secretary of Defense, in carrying out**  
19          **the functions of the Secretary under this Act,**  
20          **may use such elements of the Department of**  
21          **Defense as may be appropriate for the execu-**  
22          **tion of those functions, in addition to, or in**  
23          **lieu of, the elements specifically identified in**  
24          **this Act for the performance of those func-**  
25          **tions.**



1 SEC. 414. CONSULTATIONS REGARDING APPOINTMENT OF  
2 CERTAIN INTELLIGENCE OFFICIALS.

3 (a) IN GENERAL.—Section 201 of title 10,  
4 United States Code, is amended to read as fol-  
5 lows:

6 “§ 201. Consultation regarding appointment of heads  
7 of certain intelligence components

8 “Before submitting a recommendation to  
9 the President regarding the appointment of  
10 an individual to the position of Director of the  
11 National Security Agency, Director of the De-  
12 fense Intelligence Agency, Director of the Na-  
13 tional Reconnaissance Office, or Director of  
14 the National Imagery and Mapping Agency,  
15 the Secretary of Defense shall consult with  
16 the Director of Central Intelligence regarding  
17 the recommendation.”.

18 (b) CLERICAL AMENDMENT.—The item relat-  
19 ing to section 201 in the table of sections at  
20 the beginning of subchapter II of chapter 8 of  
21 such title is amended to read as follows:

“201. Consultation regarding appointment of heads of certain  
intelligence components.”.

1       **Subtitle B—Director of Military**  
2                   **Intelligence**

3       SEC. 421. REPORT ON THE ESTABLISHMENT OF A DIREC-  
4                   TOR OF MILITARY INTELLIGENCE.

5           (a) **REPORT REQUIRED.**—Not later than  
6       April 15, 1997, the Secretary of Defense shall  
7       submit to the congressional committees  
8       named in subsection (b) a report on the day-  
9       to-day coordination role of the intelligence ac-  
10      tivities of the military intelligence community  
11      performed by the Director of the Defense In-  
12      telligence Agency, as chairman of the Military  
13      Intelligence Board. The report shall assess the  
14      feasibility of formally establishing the Direc-  
15      tor of the Defense Intelligence Agency as the  
16      Director of Military Intelligence, with clear  
17      preservation of civilian oversight responsibil-  
18      ities.

19          (b) **COMMITTEES.**—The committees re-  
20      ferred to in subsection (a) are—

21               (1) the Committee on Armed Services  
22               and the Select Committee on Intelligence  
23               of the Senate; and

24               (2) the Committee on National Secu-  
25               rity and the Permanent Select Committee

1 on Intelligence of the House of Rep-  
2 resentatives.

3 **Subtitle C—National Imagery and**  
4 **Mapping Agency**

5 **PART I—ESTABLISHMENT OF AGENCY**

6 **SEC. 431. ESTABLISHMENT.**

7 (a) **ESTABLISHMENT.**—There is hereby es-  
8 tablished in the Department of Defense a De-  
9 fense Agency to be known as the National Im-  
10 agery and Mapping Agency.

11 (b) **TRANSFER OF FUNCTIONS FROM DEPART-**  
12 **MENT OF DEFENSE ENTITIES.**—The missions and  
13 functions of the following elements of the De-  
14 partment of Defense are transferred to the  
15 National Imagery and Mapping Agency:

16 (1) The Defense Mapping Agency.

17 (2) The Central Imagery Office.

18 (3) Other elements of the Department  
19 of Defense as specified in the classified  
20 annex to this Act.

21 (c) **TRANSFER OF FUNCTIONS FROM CENTRAL**  
22 **INTELLIGENCE AGENCY.**—The missions and  
23 functions of the following elements of the  
24 Central Intelligence Agency are transferred  
25 to the National Imagery and Mapping Agency:

3                   **(2) Other elements of the Central In-**  
4                   **telligence Agency as specified in the clas-**  
5                   **sified annex to this Act.**

7       **(a) AGENCY CHARTER.**—Part I of subtitle A  
8 of title 10, United States Code, is amended—

9           (1) by redesignating chapter 22 as  
10       **chapter 23; and**

(2) by inserting after chapter 21 the following new chapter 22:

13     **“CHAPTER 22—NATIONAL IMAGERY AND**  
14           **MAPPING AGENCY**

<b>“Subchapter</b>	<b>Sec.</b>
<b>“I. Missions and Authority .....</b>	<b>441</b>
<b>“II. Maps, Charts, and Geodetic Products .....</b>	<b>451</b>
<b>“III. Personnel Management .....</b>	<b>461</b>
<b>“IV. Definitions .....</b>	<b>467</b>

15                   **“SUBCHAPTER I—MISSIONS AND**  
16                                   **AUTHORITY**

“Sec.  
“441. Establishment.  
“442. Missions.  
“443. Imagery intelligence and geospatial information: support  
for foreign countries  
“444. Support from Central Intelligence Agency.  
“445. Protection of agency identifications and organizational in-  
formation.

1   **“§ 441. Establishment**

2       **“(a) ESTABLISHMENT.—The National Im-**  
3   **agery and Mapping Agency is a combat sup-**  
4   **port agency of the Department of Defense and**  
5   **has significant national missions.**

6       **“(b) DIRECTOR.—(1) The Director of the Na-**  
7   **tional Imagery and Mapping Agency is the**  
8   **head of the agency. The Director carries out**  
9   **the Director’s functions subject to the author-**  
10   **ity, direction, and control of the Secretary of**  
11   **Defense.**

12       **“(2) If an officer of the armed forces on ac-**  
13   **tive duty is appointed to the position of Direc-**  
14   **tor, the position shall be treated as having**  
15   **been designated by the President as a posi-**  
16   **tion of importance and responsibility for pur-**  
17   **poses of section 601 of this title and shall**  
18   **carry the grade of lieutenant general, or, in**  
19   **the case of an officer of the Navy, vice admi-**  
20   **ral.**

21       **“(c) DIRECTOR OF CENTRAL INTELLIGENCE**  
22   **COLLECTION TASKING AUTHORITY.—Unless oth-**  
23   **erwise directed by the President, the Director**  
24   **of Central Intelligence may (except as other-**  
25   **wise agreed by the Director and the Secretary**  
26   **of Defense)—**

1           **“(1) approve collection requirements**  
2           **levied on national imagery collection as-**  
3           **sets;**

4           **“(2) determine priorities for such re-**  
5           **quirements; and**

6           **“(3) resolve conflicts in such prior-**  
7           **ities.**

8   **“§ 442. Missions**

9           **“(a) NATIONAL SECURITY MISSIONS.—(1) The**  
10          **Director of the National Imagery and Map-**  
11          **ping Agency shall, in support of the national**  
12          **security objectives of the United States, pro-**  
13          **vide the following:**

14                  **“(A) Imagery.**

15                  **“(B) Imagery intelligence.**

16                  **“(C) Geospatial information.**

17          **“(2) In carrying out paragraph (1), the Di-**  
18          **rector shall ensure that the information and**  
19          **intelligence provided is timely, relevant, and**  
20          **accurate.**

21          **“(b) NAVIGATION INFORMATION.—The Direc-**  
22          **tor of the National Imagery and Mapping**  
23          **Agency shall improve means of navigating**  
24          **vessels of the Navy and the merchant marine**  
25          **by providing, under the authority of the Sec-**

1   retary of Defense, accurate and inexpensive  
2   nautical charts, sailing directions, books on  
3   navigation, and manuals of instructions for  
4   the use of all vessels of the United States and  
5   of navigators generally.

6       “(c) MAPS, CHARTS, ETC.—The Director of  
7   the National Imagery and Mapping Agency  
8   shall prepare and distribute maps, charts,  
9   books, and geodetic products as authorized  
10  under subchapter II of this chapter.

11       “(d) NATIONAL MISSIONS.—The National  
12  Imagery and Mapping Agency also has na-  
13  tional missions as specified in section 120(a)  
14  of the National Security Act of 1947.

15       “(e) SYSTEMS.—The Director of the Agency  
16  may, in furtherance of a mission of the Agen-  
17  cy, design, develop, deploy, operate, and  
18  maintain systems related to the processing  
19  and dissemination of imagery intelligence  
20  and geospatial information that may be trans-  
21  ferred to, accepted or used by, or used on be-  
22  half of—

23               “(1) the armed forces, including any  
24       combatant command, component of a

1       **combatant command, joint task force, or**  
2       **tactical unit; or**

3               **“(2) any other department or agency**  
4       **of the United States.**

5       **“§ 443. Imagery intelligence and geospatial informa-**  
6               **tion: support for foreign countries**

7       **“(a) USE OF APPROPRIATED FUNDS.—The Di-**  
8       **rector of the National Imagery and Mapping**  
9       **Agency may use appropriated funds available**  
10      **to that Agency to provide foreign countries**  
11      **with imagery intelligence and geospatial in-**  
12      **formation support.**

13      **“(b) FUNDS OTHER THAN APPROPRIATED**  
14      **FUNDS.—The Director may use funds other**  
15      **than appropriated funds to provide foreign**  
16      **countries with imagery intelligence and**  
17      **geospatial information support, notwith-**  
18      **standing provisions of law relating to the ex-**  
19      **penditure of funds of the United States, ex-**  
20      **cept that—**

21              **“(1) no such funds may be expended,**  
22      **in whole or in part, by or for the benefit**  
23      **of the National Imagery and Mapping**  
24      **Agency for a purpose for which Congress**  
25      **had previously denied funds.**



1           **“(2) proceeds from the sale of imagery**  
2           **intelligence or geospatial information**  
3           **items may be used only to purchase re-**  
4           **placement items similar to the items that**  
5           **are sold; and**

6           **“(3) the authority provided by this**  
7           **subsection may not be used to acquire**  
8           **items or services for the principal benefit**  
9           **of the United States.**

10          **“(c) ACCOMMODATION PROCUREMENTS.—The**  
11          **authority under this section may be exercised**  
12          **to conduct accommodation procurements on**  
13          **behalf of foreign countries.**

14          **“(d) COORDINATION WITH DIRECTOR OF**  
15          **CENTRAL INTELLIGENCE.—The Director of the**  
16          **Agency shall coordinate with the Director of**  
17          **Central Intelligence any action under this**  
18          **section that involves imagery intelligence or**  
19          **intelligence products or involves providing**  
20          **support to an intelligence or security service**  
21          **of a foreign country.**

22          **“§ 444. Support from Central Intelligence Agency**

23          **“(a) SUPPORT AUTHORIZED.—The Director**  
24          **of Central Intelligence may provide support**  
25          **in accordance with this section to the Direc-**

1 tor of the National Imagery and Mapping  
2 Agency. The Director of the National Imagery  
3 and Mapping Agency may accept support pro-  
4 vided under this section.

5       “(b) ADMINISTRATIVE AND CONTRACT SERV-  
6 ICES.—(1) In furtherance of the national intel-  
7 ligence effort, the Director of Central Intel-  
8 ligence may provide administrative and con-  
9 tract services to the National Imagery and  
10 Mapping Agency as if that agency were an or-  
11 ganizational element of the Central Intel-  
12 ligence Agency.

13       “(2) Services provided under paragraph  
14 (1) may include the services of security police.  
15 For purposes of section 15 of the Central In-  
16 telligence Agency Act of 1949 (50 U.S.C. 403o),  
17 an installation of the National Imagery and  
18 Mapping Agency that is provided security po-  
19 lice services under this section shall be con-  
20 sidered an installation of the Central Intel-  
21 ligence Agency.

22       “(3) Support provided under this sub-  
23 section shall be provided under terms and  
24 conditions agreed upon by the Secretary of

1 **Defense and the Director of Central Intel-**  
2 **ligence.**

3       **“(c) DETAIL OF PERSONNEL.—The Director**  
4 **of Central Intelligence may detail personnel**  
5 **of the Central Intelligence Agency indefi-**  
6 **nitely to the National Imagery and Mapping**  
7 **Agency without regard to any limitation on**  
8 **the duration of interagency details of Federal**  
9 **Government personnel.**

10       **“(d) REIMBURSABLE OR NONREIMBURSABLE**  
11 **SUPPORT.—Support under this section may be**  
12 **provided and accepted on either a reimburs-**  
13 **able basis or a nonreimbursable basis.**

14       **“(e) AUTHORITY TO TRANSFER FUNDS.—(1)**  
15 **The Director of the National Imagery and**  
16 **Mapping Agency may transfer funds available**  
17 **for that agency to the Director of Central In-**  
18 **telligence for the Central Intelligence Agency.**

19       **“(2) The Director of Central Intelligence—**

20               **“(A) may accept funds transferred**  
21 **under paragraph (1); and**

22               **“(B) shall expend such funds, in ac-**  
23 **cordance with the Central Intelligence**  
24 **Agency Act of 1949 (50 U.S.C. 403a et**  
25 **seq.), to provide administrative and con-**

1       tract services or detail personnel to the  
2       National Imagery and Mapping Agency  
3       under this section.

4   “§ 445. Protection of agency identifications and orga-  
5       nizational information

6       “(a) UNAUTHORIZED USE OF AGENCY NAME,  
7   INITIALS, OR SEAL.—(1) Except with the written  
8   permission of the Secretary of Defense, no  
9   person may knowingly use, in connection  
10   with any merchandise, retail product, imper-  
11   sonation, solicitation, or commercial activity  
12   in a manner reasonably calculated to convey  
13   the impression that such use is approved, en-  
14   dorsed, or authorized by the Secretary of De-  
15   fense, any of the following:

16       “(A) The words ‘National Imagery and  
17       Mapping Agency’, the initials ‘NIMA’, or  
18       the seal of the National Imagery and  
19       Mapping Agency.

20       “(B) The words ‘Defense Mapping  
21       Agency’, the initials ‘DMA’, or the seal of  
22       the Defense Mapping Agency.

23       “(C) Any colorable imitation of such  
24       words, initials, or seals.

1       “(2) Whenever it appears to the Attorney  
2 General that any person is engaged or about  
3 to engage in an act or practice which con-  
4 stitutes or will constitute conduct prohibited  
5 by paragraph (1), the Attorney General may  
6 initiate a civil proceeding in a district court  
7 of the United States to enjoin such act or  
8 practice. Such court shall proceed as soon as  
9 practicable to a hearing and determination of  
10 such action and may, at any time before such  
11 final determination, enter such restraining  
12 orders or prohibitions, or take such other ac-  
13 tion as is warranted, to prevent injury to the  
14 United States or to any person or class of per-  
15 sons for whose protection the action is  
16 brought.

17       “(b) PROTECTION OF ORGANIZATIONAL IN-  
18 FORMATION.—Notwithstanding any other pro-  
19 vision of law, the Director of the National Im-  
20 agery and Mapping Agency is not required to  
21 disclose the organization of the agency, any  
22 function of the agency, any information with  
23 respect to the activities of the agency, or the  
24 names, titles, salaries, or number of the per-  
25 sons employed by the agency. This subsection

1 does not apply to disclosures of information  
2 to Congress.

3       **“SUBCHAPTER II—MAPS, CHARTS, AND**  
4               **GEODETIC PRODUCTS**

“Sec.

“451. Maps, charts, and books.

“452. Pilot charts.

“453. Prices of maps, charts, and navigational publications.

“454. Exchange of mapping, charting, and geodetic data with  
foreign countries and international organizations

“455. Maps, charts, and geodetic data: public availability; excep-  
tions.

“456. Civil actions barred.

5               **“SUBCHAPTER III—PERSONNEL**  
6               **MANAGEMENT**

“Sec.

“461. Management rights.

7       **“§ 461. Management rights**

8               **“(a) SCOPE.—If there is no obligation**  
9 **under the provisions of chapter 71 of title 5**  
10 **for the head of an agency of the United States**  
11 **to consult or negotiate with a labor organiza-**  
12 **tion on a particular matter by reason of that**  
13 **matter being covered by a provision of law or**  
14 **a Governmentwide regulation, the Director of**  
15 **the National Imagery and Mapping Agency is**  
16 **not obligated to consult or negotiate with a**  
17 **labor organization on that matter even if that**  
18 **provision of law or regulation is inapplicable**  
19 **to the National Imagery and Mapping Agency.**

1       **“(b) BARGAINING UNITS.—The National Im-**  
2 **agery and Mapping Agency shall accord ex-**  
3 **clusive recognition to a labor organization**  
4 **under section 7111 of title 5 only for a bar-**  
5 **gaining unit that was recognized as appro-**  
6 **priate for the Defense Mapping Agency on the**  
7 **day before the date on which employees and**  
8 **positions of the Defense Mapping Agency in**  
9 **that bargaining unit became employees and**  
10 **positions of the National Imagery and Map-**  
11 **ping Agency under the Intelligence Commu-**  
12 **nity Act.**

13       **“(c) TERMINATION OF BARGAINING UNIT COV-**  
14 **ERAGE OF POSITION MODIFIED TO AFFECT NA-**  
15 **TIONAL SECURITY DIRECTLY.—(1) If the Director**  
16 **of the National Imagery and Mapping Agency**  
17 **determines that the responsibilities of a posi-**  
18 **tion within a collective bargaining unit**  
19 **should be modified to include intelligence,**  
20 **counterintelligence, investigative, or security**  
21 **duties not previously assigned to that posi-**  
22 **tion and that the performance of the newly as-**  
23 **signed duties directly affects the national se-**  
24 **curity of the United States, then, upon such**  
25 **a modification of the responsibilities of that**

1 position, the position shall cease to be cov-  
2 ered by the collective bargaining unit and the  
3 employee in that position shall cease to be en-  
4 titled to representation by a labor organiza-  
5 tion accorded exclusive recognition for that  
6 collective bargaining unit.

7 “(2) A determination described in para-  
8 graph (1) that is made by the Director of the  
9 National Imagery and Mapping Agency may  
10 not be reviewed by the Federal Labor Rela-  
11 tions Authority or any court of the United  
12 States.

#### 13 “SUBCHAPTER IV—DEFINITIONS

“Sec.  
“467. Definitions.

#### 14 “§ 467. Definitions

15 “In this chapter:

16 “(1) The term ‘function’ means any  
17 duty, obligation, responsibility, privilege,  
18 activity, or program.

19 “(2)(A) The term ‘imagery’ means, ex-  
20 cept as provided in subparagraph (B), a  
21 likeness or presentation of any natural or  
22 manmade feature or related object or ac-  
23 tivity and the positional data acquired at



1       the same time the likeness or representa-  
2       tion was acquired, including—

3               “(i) products produced by space-  
4               based national intelligence reconnais-  
5               sance systems; and

6               “(ii) likenesses or presentations  
7               produced by satellites, airborne plat-  
8               forms, unmanned aerial vehicles, or  
9               other similar means.

10              “(B) Such term does not include  
11              handheld or clandestine photography  
12              taken by or on behalf of human intel-  
13              ligence collection organizations.

14              “(3) The term ‘imagery intelligence’  
15              means the technical, geographic, and in-  
16              telligence information derived through  
17              the interpretation or analysis of imagery  
18              and collateral materials.

19              “(4) The term ‘geospatial information’  
20              means information that identifies the ge-  
21              ographic location and characteristics of  
22              natural or constructed features and  
23              boundaries on the earth and includes—

24                      “(A) statistical data and informa-  
25                      tion derived from, among other

things, remote sensing, mapping, and  
surveying technologies;

“(B) mapping, charting, and geodetic data; and

“(C) geodetic products, as defined  
in section 455(c) of this title.”.

(b) **TRANSFER OF DEFENSE MAPPING AGENCY PROVISIONS.**—(1) Sections 2792, 2793, 2794, 2795, 2796, and 2798 of title 10, United States Code, are transferred to subchapter II of chapter 22 of such title, as added by subsection (a), inserted in that sequence in such subchapter following the table of sections, and redesignated in accordance with the following table:

Section transferred	Section as redesignated
2792 .....	451
2793 .....	452
2794 .....	453
2795 .....	454
2796 .....	455
2798 .....	456.

(2) Sections 451(1), 452, 453, 454, and 455 (in subsections (a) and (b)(1)(C)), and 456 of title 10, United States Code, as transferred and redesignated by paragraph (1), are amended by striking out “Defense Mapping Agency” each place it appears and inserting

1 in lieu thereof “National Imagery and Map-  
2 ping Agency”.

3 (c) OVERSIGHT OF AGENCY AS A COMBAT SUP-  
4 PORT AGENCY.—Section 193 of title 10, United  
5 States Code, is amended—

6 (1) in subsection (d)—

7 (A) by striking out the caption  
8 and inserting in lieu thereof “REVIEW  
9 OF NATIONAL SECURITY AGENCY AND  
10 NATIONAL IMAGERY AND MAPPING  
11 AGENCY.—”;

12 (B) in paragraph (1)—

13 (i) by inserting “and the Na-  
14 tional Imagery and Mapping  
15 Agency” after “the National Secu-  
16 rity Agency”; and

17 (ii) by striking out “the Agen-  
18 cy” and inserting in lieu thereof  
19 “that the agencies”; and

20 (C) in paragraph (2), by inserting  
21 “and the National Imagery and Map-  
22 ping Agency” after “the National Se-  
23 curity Agency”;

24 (2) in subsection (e)—

1           (A) by striking out “DIA AND NSA”  
2           in the caption and inserting in lieu  
3           thereof the following: “DIA, NSA, AND  
4           NIMA.—”; and

5           (B) by striking out “and the Na-  
6           tional Security Agency” and inserting  
7           in lieu thereof “, the National Secu-  
8           rity Agency, and the National Im-  
9           agery and Mapping Agency”; and

10          (3) in subsection (f), by striking out  
11          paragraph (4) and inserting in lieu there-  
12          of the following:

13               “(4) The National Imagery and Map-  
14          ping Agency.”.

15          (d) SPECIAL PRINTING AUTHORITY FOR  
16          AGENCY.—(1) Section 207(a)(2)(B) of the Legis-  
17          lative Branch Appropriations Act, 1993 (Pub-  
18          lic Law 102-392; 44 U.S.C. 501 note), is amend-  
19          ed by inserting “National Imagery and Map-  
20          ping Agency,” after “Defense Intelligence  
21          Agency,”.

22          (2) Section 1336 of title 44, United States  
23          Code, is amended—

24               (A) by striking out “Secretary of the  
25          Navy” and inserting in lieu thereof “Di-

1        **rector of the National Imagery and Map-**  
2        **ping Agency”; and**

3            **(B) by striking out “United States**  
4        **Naval Oceanographic Office” and insert-**  
5        **ing in lieu thereof “National Imagery and**  
6        **Mapping Agency”.**

7        **SEC. 433. TRANSFERS OF PERSONNEL AND ASSETS.**

8        **The personnel, assets, unobligated bal-**  
9        **ances of appropriations and authorizations of**  
10       **appropriations, and, to the extent jointly de-**  
11       **termined appropriate by the Secretary of De-**  
12       **fense and Director of Central Intelligence, ob-**  
13       **ligated balances of appropriations and au-**  
14       **thorizations of appropriations employed,**  
15       **used, held, arising from, or available in con-**  
16       **nection with the missions and functions**  
17       **transferred under section 431(c) are trans-**  
18       **ferred to the National Imagery and Mapping**  
19       **Agency. Transfers of appropriations from the**  
20       **Central Intelligence Agency under this sec-**  
21       **tion shall be made in accordance with section**  
22       **1531 of title 31, United States Code.**

1 SEC. 434. COMPATIBILITY WITH AUTHORITY UNDER THE  
2 INTELLIGENCE COMMUNITY ACT.

3 Consistent with the other provisions of  
4 this Act, the Secretary of Defense shall en-  
5 sure, through the National Imagery and Map-  
6 ping Agency (except as otherwise directed by  
7 the President or the National Security Coun-  
8 cil) and with appropriate representation from  
9 the intelligence community, the continued op-  
10 eration of an effective unified organization  
11 within the Department of Defense—

12 (1) for carrying out tasking of im-  
13 agery collection;

14 (2) for the coordination of imagery  
15 processing and exploitation activities;

16 (3) for ensuring the dissemination of  
17 imagery in a timely manner to authorized  
18 recipients; and

19 (4) notwithstanding any other provi-  
20 sion of law, for—

21 (A) prescribing technical architec-  
22 ture and standards related to im-  
23 agery intelligence and geospatial in-  
24 formation and ensuring compliance  
25 with such architecture and stand-  
26 ards; and

1           **(B) developing and fielding sys-**  
2           **tems of common concern related to**  
3           **imagery intelligence and geospatial**  
4           **information.**

5   **SEC. 435. NATIONAL MISSION OF NATIONAL IMAGERY AND**  
6           **MAPPING AGENCY.**

7           **(a) IN GENERAL.—In addition to the De-**  
8           **partment of Defense missions set forth in sec-**  
9           **tion 442 of title 10, United States Code, the Na-**  
10          **tional Imagery and Mapping Agency shall**  
11          **support the imagery requirements of the De-**  
12          **partment of State and other departments and**  
13          **agencies of the United States outside the De-**  
14          **partment of Defense.**

15          **(b) REQUIREMENTS AND PRIORITIES.—The**  
16          **Director of Central Intelligence shall estab-**  
17          **lish requirements and priorities governing**  
18          **the collection of national intelligence by the**  
19          **National Imagery and Mapping Agency under**  
20          **subsection (a).**

21          **(c) CORRECTION OF DEFICIENCIES.—The Di-**  
22          **rector of Central Intelligence shall develop**  
23          **and implement such programs and policies as**  
24          **the Director and the Secretary of Defense**  
25          **jointly determine necessary to review and**

1 correct deficiencies identified in the capabili-  
2 ties of the National Imagery and Mapping  
3 Agency to accomplish assigned national mis-  
4 sions. The Director shall consult with the Sec-  
5 retary of Defense on the development and im-  
6 plementation of such programs and policies.  
7 The Secretary shall obtain the advice of the  
8 Chairman of the Joint Chiefs of Staff regard-  
9 ing the matters on which the Director and the  
10 Secretary are to consult under the preceding  
11 sentence.

12 SEC. 436. CREDITABLE CIVILIAN SERVICE FOR CAREER  
13                   CONDITIONAL EMPLOYEES OF THE DEFENSE  
14                   MAPPING AGENCY.

15       In the case of an employee of the National  
16 Imagery and Mapping Agency who, on the day  
17 before the effective date of this title, was an  
18 employee of the Defense Mapping Agency in  
19 a career-conditional status, the continuous  
20 service of that employee as an employee of the  
21 National Imagery and Mapping Agency on  
22 and after such date shall be considered cred-  
23 itable service for the purpose of any deter-  
24 mination of the career status of the employee.



1 SEC. 437. SAVING PROVISIONS.

2 (a) CONTINUING EFFECT ON LEGAL DOCU-  
3 MENTS.—All orders, determinations, rules, reg-  
4 ulations, permits, agreements, international  
5 agreements, grants, contracts, leases, certifi-  
6 cates, licenses, registrations, privileges, and  
7 other administrative actions—

8 (1) which have been issued, made,  
9 granted, or allowed to become effective  
10 by the President, any Federal agency or  
11 official thereof, or by a court of com-  
12 petent jurisdiction, in connection with  
13 any of the functions which are trans-  
14 ferred under this title or any function  
15 that the National Imagery and Mapping  
16 Agency is authorized to perform by law,  
17 and

18 (2) which are in effect at the time this  
19 title takes effect, or were final before the  
20 effective date of this title and are to be-  
21 come effective on or after the effective  
22 date of this title,  
23 shall continue in effect according to their  
24 terms until modified, terminated, superseded,  
25 set aside, or revoked in accordance with law  
26 by the President, the Secretary of Defense,

1 the Director of the National Imagery and  
2 Mapping Agency or other authorized official,  
3 a court of competent jurisdiction, or by oper-  
4 ation of law.

5 (b) PROCEEDINGS NOT AFFECTED.—This  
6 title and the amendments made by this title  
7 shall not affect any proceedings, including no-  
8 tices of proposed rulemaking, or any applica-  
9 tion for any license, permit, certificate, or fi-  
10 nancial assistance pending before an element  
11 of the Department of Defense or Central Intel-  
12 ligence Agency at the time this title takes ef-  
13 fect, with respect to function of that element  
14 transferred by section 442, but such proceed-  
15 ings and applications shall be continued. Or-  
16 ders shall be issued in such proceedings, ap-  
17 peals shall be taken therefrom, and payments  
18 shall be made pursuant to such orders, as if  
19 this title had not been enacted, and orders is-  
20 sued in any such proceedings shall continue  
21 in effect until modified, terminated, super-  
22 seded, or revoked by a duly authorized offi-  
23 cial, by a court of competent jurisdiction, or  
24 by operation of law. Nothing in this section  
25 shall be deemed to prohibit the discontinu-

1   **ance or modification of any such proceeding**  
2   **under the same terms and conditions and to**  
3   **the same extent that such proceeding could**  
4   **have been discontinued or modified if this**  
5   **title had not been enacted.**

6   **SEC. 438. DEFINITIONS.**

7       **In this part, the terms “function”, “im-**  
8   **agery”, “imagery intelligence”, and**  
9   **“geospatial information” have the meanings**  
10   **given those terms in section 467 of title 10,**  
11   **United States Code, as added by section 432.**

12       **PART II—CONFORMING AMENDMENTS AND**  
13               **EFFECTIVE DATE**

14   **SEC. 441. REDESIGNATION AND REPEALS.**

15       **(a) REDESIGNATION.—Chapter 23 of title 10,**  
16   **United States Code (as redesignated by sec-**  
17   **tion 432(a)(1)) is amended by redesignating**  
18   **the sections in that chapter as sections 481**  
19   **and 482, respectively.**

20       **(b) REPEAL OF SUPERSEDED LAW.—Chapter**  
21   **167 of such title, as amended by section**  
22   **432(b), is repealed.**

23   **SEC. 442. REFERENCE AMENDMENTS.**

24       **(a) TITLE 5, UNITED STATES CODE.—Title 5,**  
25   **United States Code, is amended as follows:**

1           **(1) CENTRAL IMAGERY OFFICE.—Sec-**  
2           **tions 2302(a)(2)(C)(ii), 3132(a)(1)(B),**  
3           **4301(1) (in clause (ii)), 4701(a)(1)(B),**  
4           **5102(a)(1) (in clause (xi)), 5342(a)(1)(L),**  
5           **6339(a)(1)(E), and 7323(b)(2)(B)(i)(XIII)**  
6           **are amended by striking out “Central Im-**  
7           **agery Office” and inserting in lieu there-**  
8           **of “National Imagery and Mapping Agen-**  
9           **cy”.**

10           **(2) DIRECTOR, CENTRAL IMAGERY OF-**  
11           **FICE.—Section 6339(a)(2)(E) is amended**  
12           **by striking out “Central Imagery Office,**  
13           **the Director of the Central Imagery Of-**  
14           **fice” and inserting in lieu thereof “Na-**  
15           **tional Imagery and Mapping Agency, the**  
16           **Director of the National Imagery and**  
17           **Mapping Agency”.**

18           **(b) OTHER LAWS.—The following provi-**  
19           **sions of law are amended by striking out**  
20           **“Central Imagery Office” and inserting in lieu**  
21           **thereof “National Imagery and Mapping Agen-**  
22           **cy”:**

23           **(1) NATIONAL SECURITY ACT OF 1947.—**  
24           **Section 3(4)(E) of the National Security**  
25           **Act of 1947 (50 U.S.C. 401a(4)(E).**

1           **(2) ETHICS IN GOVERNMENT ACT OF**  
 2           **1978.—Section 105(a) of the Ethics in Gov-**  
 3           **ernment Act of 1978 (Public Law 95–521;**  
 4           **5 U.S.C. App. 4).**

5           **(3) EMPLOYEE POLYGRAPH PROTECTION**  
 6           **ACT.—Section 7(b)(2)(A)(i) of the Em-**  
 7           **ployee Polygraph Protection Act of 1988**  
 8           **(Public Law 100–347; 29 U.S.C.**  
 9           **2006(b)(2)(A)(i)).**

10          **(c) CROSS REFERENCE.—Section 82 of title**  
 11          **14, United States Code, is amended by strik-**  
 12          **ing out “chapter 167” and inserting in lieu**  
 13          **thereof “subchapter II of chapter 22”.**

14          **SEC. 443. HEADINGS AND CLERICAL AMENDMENTS.**

15          **(a) TITLE 10, UNITED STATES CODE.—**

16               **(1) The table of chapters at the begin-**  
 17               **ning of subtitle A of title 10, United**  
 18               **States Code, is amended—**

19                       **(A) by striking out the item relat-**  
 20                       **ing to chapter 22 and inserting in lieu**  
 21                       **thereof the following:**

**“22. National Imagery and Mapping Agency ..... 441**  
                   **“23. Miscellaneous Studies and Reports ..... 471”;**

22                       **and**

23                       **(B) by striking out the item relat-**  
 24                       **ing to chapter 167.**

1           **(2) The table of chapters at the begin-**  
 2           **ning of part I of such subtitle is amended**  
 3           **by striking out the item relating to chap-**  
 4           **ter 22 and inserting in lieu thereof the**  
 5           **following:**

“22. National Imagery and Mapping Agency ..... 441  
 “23. Miscellaneous Studies and Reports ..... 471”;

6           **(3) The table of chapters at the begin-**  
 7           **ning of part IV of such subtitle is amend-**  
 8           **ed by striking out the item relating to**  
 9           **chapter 167.**

10          **(4) The items in the table of sections**  
 11          **at the beginning of chapter 23 of title 10,**  
 12          **United States Code (as redesignated by**  
 13          **section 432(a)(1)), are revised so as to re-**  
 14          **flect the redesignations made by section**  
 15          **441(a).**

16          **(b) TITLE 44, UNITED STATES CODE.—**

17           **(1) The heading of section 1336 of**  
 18           **title 44, United States Code, is amended**  
 19           **to read as follows:**

20          **“§ 1336. National Imagery and Mapping Agency: spe-**  
 21           **cial publications”.**

22           **(2) The item relating to that section**  
 23           **in the tables of sections at the beginning**

1       of chapter 13 of such title is amended to  
2       read as follows:

      “1336. National Imagery and Mapping Agency: special publica-  
          tions.”.

3   SEC. 444. EFFECTIVE DATE.

4       This subtitle and the amendments made  
5   by this subtitle shall take effect on the later  
6   of October 1, 1996, or the date of the enact-  
7   ment of an Act, whichever is later.

8       **Subtitle D—Civilian Intelligence**  
9       **Personnel Policy**

10   SEC. 481. MANAGEMENT OF CIVILIAN INTELLIGENCE PER-  
11               SONNEL.

12       (a) CONSOLIDATION AND STANDARDIZATION  
13   OF CIVILIAN PERSONNEL POLICY.—Chapter 83 of  
14   title 10, United States Code, is amended—

15               (1) by redesignating section 1602 as  
16       section 1621 and transferring that section  
17       so as to appear after section 1605;

18               (2) by redesignating sections 1606 and  
19       1608 as section 1622 and 1623, respec-  
20       tively; and

21               (3) by striking out the chapter head-  
22       ing, the table of sections, and sections  
23       1601, 1603, and 1604 and inserting in lieu  
24       thereof the following:

1           **“CHAPTER 83—CIVILIAN DEFENSE**  
 2                   **INTELLIGENCE EMPLOYEES**

“Subchapter	Sec.
“I. Defense-Wide Intelligence Personnel Policy .....	1601
“II. Defense Intelligence Agency Personnel .....	1621

3           **“SUBCHAPTER I—DEFENSE-WIDE**  
 4                   **INTELLIGENCE PERSONNEL POLICY**

- “Sec.  
 “1601. Civilian intelligence personnel: general authority to establish excepted positions, appoint personnel, and fix rates of pay.  
 “1602. Basic pay.  
 “1603. Additional compensation, incentives, and allowances.  
 “1605. Benefits for certain employees assigned outside the United States.  
 “1606. Defense Intelligence Senior Executive Service.  
 “1607. Intelligence Senior Level positions.  
 “1608. Time-limited appointments.  
 “1609. Termination of defense intelligence employees.  
 “1610. Reductions and other adjustments in force.  
 “1611. Postemployment assistance: certain terminated intelligence employees.  
 “1612. Merit system principles and civil service protections: applicability.  
 “1613. Miscellaneous provisions.  
 “1614. Definitions.

5   **“§ 1601. Civilian intelligence personnel: general au-**  
 6                   **thority to establish excepted positions,**  
 7                   **appoint personnel, and fix rates of pay**

8           **“(a) GENERAL AUTHORITY.—The Secretary**  
 9   **of Defense may—**

10           **“(1) establish, as positions in the ex-**  
 11           **cepted service, such defense intelligence**  
 12           **positions in the intelligence components**  
 13           **of the Department of Defense and the**  
 14           **military departments as the Secretary de-**



1       **termines necessary to carry out the intel-**  
2       **ligence functions of those components**  
3       **and departments, including—**

4               **“(A) Intelligence Senior Level po-**  
5               **sitions designated under section 1607**  
6               **of this title; and**

7               **“(B) positions in the Defense In-**  
8               **telligence Senior Executive Service;**

9               **“(2) appoint individuals to those posi-**  
10              **tions (after taking into consideration the**  
11              **availability of preference eligibles for ap-**  
12              **pointment to those positions); and**

13              **“(3) fix the compensation of such indi-**  
14              **viduals for service in those positions.**

15       **“(b) CONSTRUCTION WITH OTHER LAWS.—**  
16       **The authority of the Secretary of Defense**  
17       **under subsection (a) applies without regard**  
18       **to the provisions of any other law relating to**  
19       **the appointment, number, classification, or**  
20       **compensation of employees.**

21       **“§ 1602. Basic pay**

22              **“(a) AUTHORITY TO FIX RATES OF BASIC**  
23       **PAY.—The Secretary of Defense (subject to the**  
24       **provisions of this section) shall fix the rates**  
25       **of basic pay for positions established under**

1 section 1601 of this title in relation to the  
2 rates of basic pay provided in subpart D of  
3 part III of title 5 for positions subject to that  
4 subpart which have corresponding levels of  
5 duties and responsibilities.

6 “(b) **MAXIMUM RATES.**—A rate of basic pay  
7 fixed under subsection (a) for a position es-  
8 tablished under section 1601 of this title may  
9 not (except as otherwise provided by law) ex-  
10 ceed—

11 “(1) in the case of a Defense Intel-  
12 ligence Senior Executive Service posi-  
13 tion, the maximum rate provided in  
14 section 5382 of title 5;

15 “(2) in the case of an Intelligence Sen-  
16 ior Level position, the maximum rate pro-  
17 vided in section 5382 of title 5; and

18 “(3) in the case of any other position,  
19 the maximum rate provided in section  
20 5306(e) of title 5.

21 “(c) **PREVAILING RATE SYSTEMS.**—The Sec-  
22 retary of Defense may, consistent with section  
23 5341 of title 5, adopt such provisions of that  
24 title as provide for prevailing rate systems of  
25 basic pay and may apply those provisions to

1 positions for civilian employees in or under  
2 which the Department of Defense may employ  
3 individuals described by section 5342(a)(2)(A)  
4 of that title.

5 “§ 1603. Additional compensation, incentives, and al-  
6 lowances

7 “(a) ADDITIONAL COMPENSATION BASED ON  
8 TITLE 5 AUTHORITIES.—The Secretary of De-  
9 fense may provide employees in defense intel-  
10 ligence positions compensation (in addition to  
11 basic pay), including benefits, incentives, and  
12 allowances, consistent with, and not in excess  
13 of the level authorized for, comparable posi-  
14 tions authorized by title 5.

15 “(b) ALLOWANCES BASED ON LIVING COSTS  
16 AND ENVIRONMENT.—(1) In addition to basic  
17 pay, employees in defense intelligence posi-  
18 tions who are citizens or nationals of the  
19 United States and are stationed outside the  
20 continental United States or in Alaska may be  
21 paid an allowance, in accordance with regula-  
22 tions prescribed by the Secretary of Defense,  
23 while they are so stationed.

24 “(2) An allowance under this subsection  
25 shall be based on—

1           **“(A) living costs substantially higher**  
2           **than in the District of Columbia;**

3           **“(B) conditions of environment which**  
4           **(i) differ substantially from conditions of**  
5           **environment in the continental United**  
6           **States, and (ii) warrant an allowance as a**  
7           **recruitment incentive; or**

8           **“(C) both of the factors specified in**  
9           **subparagraphs (A) and (B).**

10          **“(3) An allowance under this subsection**  
11       **may not exceed the allowance authorized to**  
12       **be paid by section 5941(a) of title 5 for em-**  
13       **ployees whose rates of basic pay are fixed by**  
14       **statute.”.**

15          **(b) MATTERS OTHER THAN PAY AND BENE-**  
16       **FITS.—Such chapter is further amended by in-**  
17       **serting after section 1605 the following new**  
18       **sections:**

19       **“§ 1606. Defense Intelligence Senior Executive Serv-**  
20               **ice**

21          **“(a) ESTABLISHMENT.—The Secretary of De-**  
22       **fense may establish a Defense Intelligence**  
23       **Senior Executive Service for defense intel-**  
24       **ligence positions established pursuant to sec-**  
25       **tion 1601(a) of this title that are equivalent to**

1 **Senior Executive Service positions. The num-**  
2 **ber of positions in the Defense Intelligence**  
3 **Senior Executive Service may not exceed the**  
4 **number of Defense Intelligence Senior Execu-**  
5 **tive Service positions established as of Janu-**  
6 **ary 1, 1996.**

7       **“(b) REGULATIONS CONSISTENT WITH TITLE**  
8 **5 PROVISIONS.—The Secretary of Defense shall**  
9 **prescribe regulations for the Defense Intel-**  
10 **ligence Senior Executive Service which are**  
11 **consistent with the requirements set forth in**  
12 **sections 3131, 3132(a)(2), 3393a, 3396(c), 3592,**  
13 **3595(a), 5384, and 6304 of title 5, subsections**  
14 **(a), (b), and (c) of section 7543 of such title (ex-**  
15 **cept that any hearing or appeal to which a**  
16 **member of the Defense Intelligence Senior**  
17 **Executive Service is entitled shall be held or**  
18 **decided pursuant to those regulations), and**  
19 **subchapter II of chapter 43 of such title. To**  
20 **the extent that the Secretary determines it**  
21 **practicable to apply to members of, or appli-**  
22 **cants for, the Defense Intelligence Senior Ex-**  
23 **ecutive Service other provisions of title 5 that**  
24 **apply to members of, or applicants for, the**  
25 **Senior Executive Service, the Secretary shall**

1 also prescribe regulations to implement those  
2 provisions with respect to the Defense Intel-  
3 ligence Senior Executive Service.

4       “(c) AWARD OF RANK TO MEMBERS OF THE  
5 DEFENSE INTELLIGENCE SENIOR EXECUTIVE  
6 SERVICE.—The President, based on the rec-  
7 ommendations of the Secretary of Defense,  
8 may award a rank referred to in section 4507  
9 of title 5 to members of the Defense Intel-  
10 ligence Senior Executive Service. The award  
11 of such rank shall be made in a manner con-  
12 sistent with the provisions of that section.

13 “§ 1607. Intelligence Senior Level positions

14       “(a) DESIGNATION OF POSITIONS.—The Sec-  
15 retary of Defense may designate as an Intel-  
16 ligence Senior Level position any defense in-  
17 telligence position that, as determined by the  
18 Secretary—

19               “(1) is classifiable above grade GS-15  
20 of the General Schedule;

21               “(2) does not satisfy functional or pro-  
22 gram management criteria for being des-  
23 ignated a Defense Intelligence Senior Ex-  
24 ecutive Service position; and

1           **“(3) has no more than minimal super-**  
2           **visory responsibilities.**

3           **“(b) REGULATIONS.—Subsection (a) shall be**  
4           **carried out in accordance with regulations**  
5           **prescribed by the Secretary of Defense.**

6   **“§ 1608. Time-limited appointments**

7           **“(a) AUTHORITY FOR TIME-LIMITED APPOINT-**  
8           **MENTS.—The Secretary of Defense may by reg-**  
9           **ulation authorize appointing officials to make**  
10          **time-limited appointments to defense intel-**  
11          **ligence positions specified in the regulations.**

12          **“(b) REVIEW OF USE OF AUTHORITY.—The**  
13          **Secretary of Defense shall review each time-**  
14          **limited appointment in a defense intelligence**  
15          **position at the end of the first year of the pe-**  
16          **riod of the appointment and determine**  
17          **whether the appointment should be contin-**  
18          **ued for the remainder of the period. The con-**  
19          **tinuation of a time-limited appointment after**  
20          **the first year shall be subject to the approval**  
21          **of the Secretary.**

22          **“(c) CONDITION ON PERMANENT APPOINT-**  
23          **MENT TO DEFENSE INTELLIGENCE SENIOR EXECU-**  
24          **TIVE SERVICE.—An employee serving in a de-**  
25          **fense intelligence position pursuant to a time-**

1 limited appointment is not eligible for a per-  
2 manent appointment to a Defense Intelligence  
3 Senior Executive Service position (including  
4 a position in which the employee is serving)  
5 unless the employee is selected for the perma-  
6 nent appointment on a competitive basis.

7 “(d) TIME-LIMITED APPOINTMENT DE-  
8 FINED.—In this section, the term ‘time-limited  
9 appointment’ means an appointment (subject  
10 to the condition in subsection (b)) for a period  
11 not to exceed two years.

12 “§ 1609. Termination of defense intelligence employ-  
13 ees

14 “(a) TERMINATION AUTHORITY.—Notwith-  
15 standing any other provision of law, the Sec-  
16 retary of Defense may terminate the employ-  
17 ment of any employee in a defense intel-  
18 ligence position if the Secretary—

19 “(1) considers that action to be in the  
20 interests of the United States; and

21 “(2) determines that the procedures  
22 prescribed in other provisions of law that  
23 authorize the termination of the employ-  
24 ment of such employee cannot be invoked



1       **in a manner consistent with the national**  
2       **security.**

3       **“(b) FINALITY.—A decision by the Sec-**  
4       **retary of Defense to terminate the employ-**  
5       **ment of an employee under this section is**  
6       **final and may not be appealed or reviewed**  
7       **outside the Department of Defense.**

8       **“(c) NOTIFICATION TO CONGRESSIONAL COM-**  
9       **MITTEES.—Whenever the Secretary of Defense**  
10       **terminates the employment of an employee**  
11       **under the authority of this section, the Sec-**  
12       **retary shall promptly notify the congressional**  
13       **oversight committees of such termination.**

14       **“(d) PRESERVATION OF RIGHT TO SEEK**  
15       **OTHER EMPLOYMENT.—Any termination of em-**  
16       **ployment under this section does not affect**  
17       **the right of the employee involved to seek or**  
18       **accept employment with any other depart-**  
19       **ment or agency of the United States if that**  
20       **employee is declared eligible for such employ-**  
21       **ment by the Director of the Office of Person-**  
22       **nel Management.**

23       **“(e) LIMITATION ON DELEGATION.—The au-**  
24       **thority of the Secretary of Defense under this**  
25       **section may be delegated only to the Deputy**

1 Secretary of Defense, the head of an intel-  
2 ligence component of the Department of De-  
3 fense (with respect to employees of that com-  
4 ponent), or the Secretary of a military depart-  
5 ment (with respect to employees of that de-  
6 partment). An action to terminate employ-  
7 ment of such an employee by any such official  
8 may be appealed to the Secretary of Defense.

9 “§ 1610. Reductions and other adjustments in force

10 “(a) IN GENERAL.—The Secretary of De-  
11 fense shall prescribe regulations for the sepa-  
12 ration of employees in defense intelligence  
13 positions, including members of the Defense  
14 Intelligence Senior Executive Service and em-  
15 ployees in Intelligence Senior Level positions,  
16 during a reduction in force or other adjust-  
17 ment in force. The regulations shall apply to  
18 such a reduction in force or other adjustment  
19 in force notwithstanding sections 3501(b) and  
20 3502 of title 5.

21 “(b) MATTERS TO BE GIVEN EFFECT.—The  
22 regulations shall give effect to the following:

23 “(1) Tenure of employment.

24 “(2) Military preference, subject to  
25 sections 3501(a)(3) and 3502(b) of title 5.

1           **“(3) The veteran’s preference under**  
2           **section 3502(b) of title 5.**

3           **“(4) Performance.**

4           **“(5) Length of service computed in ac-**  
5           **cordance with the second sentence of sec-**  
6           **tion 3502(a) of title 5.**

7           **“(c) REGULATIONS RELATING TO DEFENSE IN-**  
8           **TELLIGENCE SES.—The regulations relating to**  
9           **removal from the Defense Intelligence Senior**  
10          **Executive Service in a reduction in force or**  
11          **other adjustment in force shall be consistent**  
12          **with section 3595(a) of title 5.**

13          **“(d) RIGHT OF APPEAL.—(1) The regulations**  
14          **shall provide a right of appeal regarding a**  
15          **personnel action under the regulations. The**  
16          **appeal shall be determined within the Depart-**  
17          **ment of Defense. An appeal determined at the**  
18          **highest level provided in the regulations shall**  
19          **be final and not subject to review outside the**  
20          **Department of Defense. A personnel action**  
21          **covered by the regulations is not subject to**  
22          **any other provision of law that provides ap-**  
23          **pellate rights or procedures.**

24          **“(2) Notwithstanding paragraph (1), a**  
25          **preference eligible referred to in section**

1 7511(a)(1)(B) of title 5 may elect to have an ap-  
2 peal of a personnel action taken against the  
3 preference eligible under the regulation de-  
4 termined by the Merit Systems Protection  
5 Board instead of having the appeal deter-  
6 mined within the Department of Defense. Sec-  
7 tion 7701 of title 5 shall apply to any such ap-  
8 peal to the Merit Systems Protection Board.

9 “(e) CONSULTATION WITH OPM.—Regula-  
10 tions under this section shall be prescribed in  
11 consultation with the Director of the Office of  
12 Personnel Management.”.

13 (c) TRANSFER OF SECTION 1599.—Subtitle A  
14 of title 10, United States Code, is amended by  
15 transferring section 1599 to chapter 83 of such  
16 title, inserting such section after section 1610  
17 (as added by subsection (b)), redesignating  
18 such section as section 1611, and in sub-  
19 section (f) striking out “means” and all that  
20 follows and inserting in lieu thereof “includes  
21 the National Reconnaissance Office and any  
22 intelligence component of a military depart-  
23 ment.”.

24 (d) ADDITIONAL PROVISIONS.—Such chapter  
25 is further amended by inserting after section

1 1611 (as so transferred and redesignated) the  
2 following new sections:

3 “§ 1612. Merit system principles and civil service pro-  
4 tections: applicability

5 “(a) APPLICABILITY OF MERIT SYSTEM PRIN-  
6 CIPLES.—Section 2301 of title 5 shall apply to  
7 the exercise of authority under this sub-  
8 chapter (other than sections 1605 and 1611).

9 “(b) CIVIL SERVICE PROTECTIONS.—(1) If, in  
10 the case of a position established under au-  
11 thority other than section 1601(a)(1) of this  
12 title that is reestablished as an excepted serv-  
13 ice position under that section, the provisions  
14 of law referred to in paragraph (2) applied to  
15 the person serving in that position imme-  
16 diately before the position is so reestablished  
17 and such provisions of law would not other-  
18 wise apply to the person while serving in the  
19 position as so reestablished, then such provi-  
20 sions of law shall continue to apply to the per-  
21 son with respect to service in that position for  
22 as long as the person continues to serve in the  
23 position without a break in service.

1       “(2) The provisions of law referred to in  
2 paragraph (1) are the following provisions of  
3 title 5:

4               “(A) Section 2302, relating to prohib-  
5 ited personnel practices.

6               “(B) Chapter 75, relating to adverse  
7 actions, unless, in the case of any individ-  
8 ual employee, that employee elects to  
9 have an appeal determined within the  
10 Department of Defense.

11 “§ 1613. Miscellaneous provisions

12       “(a) COLLECTIVE BARGAINING AGREE-  
13 MENTS.—Nothing in sections 1601 through  
14 1604 and 1606 through 1610 may be construed  
15 to impair the continued effectiveness of a col-  
16 lective bargaining agreement with respect to  
17 an agency or office that is a successor to an  
18 agency or office covered by the agreement be-  
19 fore the succession.

20       “(b) NOTICE TO CONGRESS OF REGULA-  
21 TIONS.—The Secretary of Defense shall notify  
22 Congress of any regulations prescribed to  
23 carry out this subchapter (other than sections  
24 1605 and 1611). Such notice shall be provided  
25 by submitting a copy of the regulations to the

1 congressional oversight committees not less  
2 than 60 days before such regulations take ef-  
3 fect.

4 “§ 1614. Definitions

5 “In this subchapter:

6 “(1) The term ‘defense intelligence po-  
7 sition’ means a civilian position as an in-  
8 telligence officer or intelligence employee  
9 of an intelligence component of the De-  
10 partment of Defense or of a military de-  
11 partment.

12 “(2) The term ‘intelligence component  
13 of the Department of Defense’ means any  
14 of the following:

15 “(A) The National Security Agen-  
16 cy.

17 “(B) The Defense Intelligence  
18 Agency.

19 “(C) The National Imagery and  
20 Mapping Agency.

21 “(D) Any other component of the  
22 Department of Defense that performs  
23 intelligence functions and is des-  
24 ignated by the Secretary of Defense

1           as an intelligence component of the  
2           Department of Defense.

3           “(E) Any successor to a compo-  
4           nent specified in, or designated pur-  
5           suant to, this paragraph.

6           “(3) The term ‘congressional oversight  
7           committees’ means—

8           “(A) the Committee on Armed  
9           Services and the Select Committee on  
10          Intelligence of the Senate; and

11          “(B) the Committee on National  
12          Security and the Permanent Select  
13          Committee on Intelligence of the  
14          House of Representatives.

15          “(4) The term ‘excepted service’ has  
16          the meaning given such term in section  
17          2103 of title 5.

18          “(5) The term ‘preference eligible’ has  
19          the meaning given such term in section  
20          2108(3) of title 5.

21          “(6) The term ‘Senior Executive Serv-  
22          ice position’ has the meaning given such  
23          term in section 3132(a)(2) of title 5.



1           **“(7) The term ‘collective bargaining**  
 2           **agreement’ has the meaning given such**  
 3           **term in section 7103(8) of title 5.”.**

4           **(e) DESIGNATION OF NEW SUBCHAPTER II.—**  
 5           **Chapter 83 of such title is further amended by**  
 6           **inserting after section 1614 (as added by sub-**  
 7           **section (d)) the following:**

8                   **“SUBCHAPTER II—DEFENSE**  
 9           **INTELLIGENCE AGENCY PERSONNEL**

**“Sec.**

**“1621. Defense Intelligence Agency merit pay system.**

**“1622. Uniform allowance: civilian employees.**

**“1623. Financial assistance to certain employees in acquisition**  
           **of critical skills.”.**

10       **SEC. 482. REPEAL OF SUPERSEDED SECTIONS AND CLERI-**  
 11                   **CAL AND CONFORMING AMENDMENTS.**

12           **(a) REPEAL OF SEPARATE MILITARY DEPART-**  
 13           **MENT AUTHORITIES.—Section 1590 of title 10,**  
 14           **United States Code, is repealed.**

15           **(b) REPEAL OF SEPARATE NATIONAL SECU-**  
 16           **RITY AGENCY AUTHORITIES.—The following pro-**  
 17           **visions of law are repealed:**

18                   **(1) Sections 2 and 4 of the National**  
 19           **Security Agency Act of 1959 (50 U.S.C. 402**  
 20           **note).**

21                   **(2) Section 303 of the Internal Secu-**  
 22           **rity Act of 1950 (50 U.S.C. 833).**

1       **(c) CLERICAL AMENDMENTS.—Title 10, Unit-**  
2 **ed States Code, is amended as follows:**

3           **(1) The heading for section 1605 is**  
4 **amended to read as follows:**

5 **“§ 1605. Benefits for certain employees assigned out-**  
6 **side the United States”.**

7           **(2) The table of sections at the begin-**  
8 **ning of chapter 81 is amended by striking**  
9 **out the items relating to sections 1590**  
10 **and 1599.**

11           **(3) The tables of chapters at the be-**  
12 **ginning of subtitle A, and at the begin-**  
13 **ning of part II of subtitle A, are amended**  
14 **by striking out the item relating to chap-**  
15 **ter 83 and inserting in lieu thereof the**  
16 **following:**

**“83. Civilian Defense Intelligence Employees ..... 1601”.**

17       **(d) CONFORMING AMENDMENT.—Section**  
18 **1621 of such title, as transferred and redesign-**  
19 **ated by section 481(a)(1), is amended by**  
20 **striking out “and Central Imagery Office”.**

21       **(e) CROSS REFERENCE AMENDMENTS.—**  
22 **Chapter 81 of title 10, United States Code, is**  
23 **amended as follows:**

1           (1) Section 1593(a)(3) is amended by  
2           striking out “section 1606” and inserting  
3           in lieu thereof “section 1622”.

4           (2) Section 1596(c) is amended by  
5           striking out “section 1604(b)” and insert-  
6           ing in lieu thereof “section 1602”.

7   SEC. 483. OTHER PERSONNEL MANAGEMENT AUTHORITIES.

8           (a) APPLICABILITY OF FEDERAL LABOR-MAN-  
9   AGEMENT       RELATIONS       SYSTEM.—Section  
10   7103(a)(3) of title 5, United States Code is  
11   amended—

12           (1) by inserting “or” at the end of sub-  
13   paragraph (F);

14           (2) by striking out “; or” at the end of  
15   subparagraph (G) and inserting in lieu  
16   thereof a period; and

17           (3) by striking out subparagraph (H).

18           (b) APPLICABILITY OF AUTHORITY AND PRO-  
19   CEDURES FOR IMPOSING CERTAIN ADVERSE AC-  
20   TIONS.—Section 7511(b)(8) of such title is  
21   amended by striking out “the National Secu-  
22   rity Agency” and all that follows through  
23   “title 10” and inserting in lieu thereof “an in-  
24   telligence component of the Department of  
25   Defense (as defined in section 1614 of title 10),

1 or an intelligence activity of a military de-  
2 partment covered under subchapter I of chap-  
3 ter 83 of title 10”.

4 **TITLE V—NATIONAL SECURITY**  
5 **COUNCIL AND RELATED**  
6 **BOARDS AND COMMITTEES**

7 SEC. 501. RECODIFICATION OF LAWS RELATING TO NA-  
8 TIONAL SECURITY COUNCIL AND RELATED  
9 BOARDS AND COMMITTEES IN EXECUTIVE  
10 OFFICE OF THE PRESIDENT.

11 Title I of the National Security Act of 1947  
12 is amended by striking out the title heading  
13 and sections 101 through 107 and inserting in  
14 lieu thereof the following:

15 **“TITLE I—NATIONAL SECURITY**  
16 **COUNCIL AND RELATED**  
17 **BOARDS AND COMMITTEES**

18 **“SEC. 101. NATIONAL SECURITY COUNCIL.**

19 **“(a) IN GENERAL.—There is in the Execu-**  
20 **tive Office of the President the National Secu-**  
21 **rity Council. The Council is composed of the**  
22 **following:**

23 **“(1) The President.**

24 **“(2) The Vice President.**

25 **“(3) The Secretary of State.**

1           **“(4) The Secretary of Defense.**

2           **“(b) ADDITIONAL PARTICIPANTS.—Subject to**  
3 **the direction of the President, the following**  
4 **officers may attend and participate in meet-**  
5 **ings of the National Security Council:**

6           **“(1) DIRECTOR OF CENTRAL INTEL-**  
7 **LIGENCE.—The Director of Central Intel-**  
8 **ligence (or, in the Director’s absence, a**  
9 **Deputy Director of Central Intelligence),**  
10 **in the performance of the Director’s du-**  
11 **ties under this Act and the Intelligence**  
12 **Community Act.**

13           **“(2) CHAIRMAN OF THE JOINT CHIEFS OF**  
14 **STAFF.—The Chairman (or, in the Chair-**  
15 **man’s absence, the Vice Chairman) of the**  
16 **Joint Chiefs of Staff, in the Chairman’s**  
17 **role as principal military adviser to the**  
18 **National Security Council.**

19           **“(3) DIRECTOR OF NATIONAL DRUG CON-**  
20 **TROL POLICY.—The Director of National**  
21 **Drug Control Policy, in the Director’s**  
22 **role as principal adviser to the National**  
23 **Security Council on national drug control**  
24 **policy, but only through the date speci-**  
25 **fied in section 1009 of the National Nar-**

1        **cotics Leadership Act of 1988 (21 U.S.C.**  
2        **1506).**

3                **“(4) OTHERS DESIGNATED BY THE PRESI-**  
4        **DENT.—Such additional officers as may be**  
5        **designated by the President.**

6        **“(c) FUNCTIONS.—The function of the**  
7        **Council shall be to advise the President with**  
8        **respect to the integration of domestic, for-**  
9        **oreign, and military policies relating to the na-**  
10       **tional security so as to enable the military**  
11       **services and the other departments and agen-**  
12       **cies of the Government to cooperate more ef-**  
13       **fectively in matters involving the national se-**  
14       **curity. In addition to performing such other**  
15       **functions as the President may direct, the**  
16       **Council (subject to the direction of the Presi-**  
17       **dent) shall, for the purpose of more effectively**  
18       **coordinating the policies and functions of the**  
19       **departments and agencies of the Government**  
20       **relating to the national security—**

21                **“(1) assess and appraise the objec-**  
22        **tives, commitments, and risks of the Unit-**  
23        **ed States in relation to our actual and po-**  
24        **tential military power, in the interest of**  
25        **national security, for the purpose of mak-**

1       **ing recommendations to the President in**  
2       **connection therewith; and**

3               **“(2) consider policies on matters of**  
4       **common interest to the departments and**  
5       **agencies of the Government concerned**  
6       **with the national security and make rec-**  
7       **ommendations to the President in con-**  
8       **nection therewith.**

9       **“(d) RECOMMENDATIONS AND REPORTS.—**  
10       **The Council shall, from time to time, make**  
11       **such recommendations and such other re-**  
12       **ports to the President as it considers appro-**  
13       **priate or as the President may require.**

14       **“(e) STAFF.—The Council shall have a staff**  
15       **to be headed by a civilian executive secretary**  
16       **who shall be appointed by the President. The**  
17       **executive secretary, subject to the direction**  
18       **of the Council, may subject to the civil-service**  
19       **laws, appoint and fix the compensation of**  
20       **such personnel as may be necessary to per-**  
21       **form such duties as may be prescribed by the**  
22       **Council in connection with the performance**  
23       **of its functions.**

Amend the title so as to read: “A bill to provide for improved management and operation of intelligence activities of the Government by providing for a more cor-

porate approach to intelligence so as to provide an improved Intelligence Community for the 21st century, and for other purposes.”.